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PENNSYLVANIA BULLETIN

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Bureau of Professional and Occupational Affairs
Department of Banking
Department of Environmental Protection
Department of Health
Department of Public Welfare
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Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Accountancy
Susquehanna River Basin Commission

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

No. 441, August 2011

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 3, 9, 17 AND 19]

Proposed Amendments to Rules of Appellate Procedure 341, 903, 904, 1701 and 1931

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 341, 903, 904, 1701 and 1931. These amendments are being submitted for public comments and suggestions prior to their submission to the Supreme Court.

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

All communications in reference to the proposed amendment should be sent no later than Oct 4, 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

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 RENÉE COHN JUBELIRER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

* * * * *

Explanatory Comment—2011

Under the Pennsylvania Rules of Civil Procedure, once post-trial motions are determined or deemed denied, there is a final and appealable order. Despite the language in Pa.R.C.P. No. 227.4(1)(b) (“A judgment entered pursuant to this subparagraph shall be final as to all parties and all issues and shall not be subject to reconsideration”), trial courts do in fact leave issues unresolved at the time they determine post-trial motions, and the Supreme Court has recognized that when the trial court finally does resolve those issues, the trial court has

effectively issued a second (or subsequent) final order. *See Miller Electric Co. v. DeWeese*, 589 Pa. 167, 907 A.2d 1051 (2006). Moreover, there are times when parties file requests for relief in the trial court after an appeal has been taken. By entering a final order that disposes of all claims and all parties—whether upon post-trial motions, preliminary objections, judgment on the pleadings or summary judgment—a trial court has been divested of jurisdiction to resolve any matters on that docket except (a) ministerial corrections or (b) matters necessary to give effect to the already-entered orders, e.g., contempt. *See Pa.R.A.P. 1701*. As a result, pending or subsequent motions for attorneys’ fees would need to languish in the trial court until the case is remanded to it. Under the procedure set forth in Rule 1701(b)(5), if an appellate court determines that it will promote fairness or judicial economy to consider the matters on appeal together with any matters that are pending in the trial court, the appellate court may remand for resolution of those matters while retaining jurisdiction over the initial appeal.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 903. Time for Appeal.

* * * * *

Explanatory Comment—2011

If an appellate court has remanded to a trial court with directions for a trial court to resolve an issue that remained unresolved at the time an appeal was taken or that was raised to the trial court after the appeal was taken, a new notice of appeal needs to be filed within 30 days of the entry of the trial court’s order resolving the outstanding issue. As an example, a trial court may have ruled on post-trial motions without determining attorneys’ fees. While the judgment became final (and thus an appeal had to be taken in order to be timely) at the time the post-trial motions were ruled on (or deemed denied), the appellate court may conclude that it serves the interests of fairness or judicial economy to resolve any questions resulting from an award or denial of an award of attorneys’ fees at the same time. If so, the appellate court will remand so that the trial court can determine the attorneys’ fees, but it will not relinquish jurisdiction over the original appeal. Any (or all) parties may be aggrieved by the order on attorneys’ fees. In order for the appellate court to hear an appeal of the order on attorneys’ fees, the party(ies) aggrieved must file new notice(s) of appeal.

Rule 904. Content of the Notice of Appeal.

* * * * *

(d) *Docket [entry] entries.*—The notice of appeal shall include a statement that the order appealed from has been entered in the docket and it shall identify any motions or other requests for relief that are still pending in the trial court. A copy of the docket [entry] entries showing the entry of the order appealed from and the pending requests for relief shall be attached to the notice of appeal.

* * * * *

CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS

IN GENERAL

Rule 1701. Effect of Appeal Generally.

(a) *General rule.*—Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter. As a result, if a party has an unresolved request for relief pending in the trial court, or if a party files for relief once a notice of appeal has been filed from an order that disposes of all claims and all parties, the trial court has no authority to resolve those requests unless they come within the exceptions provided for in this rule or as permitted by 42 Pa.C.S. § 5505 (related to modification of orders), and any order issued by a trial court that is not within those exceptions is null and void.

(b) *Authority of a trial court or agency after appeal.*—After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

* * * * *

(2) Enforce any order entered in the matter, unless the effect of the order has been superseded as prescribed in this chapter. **The authority to enforce an order permits a trial court to enter sanctions for conduct arising after entry of judgment.**

* * * * *

(5) Take any action directed or authorized [on application] by the appellate court. **If an appellate court remands so that the trial court can consider an unresolved request for relief in the trial court, the trial court's order resolving that request for relief must also inform the parties that, if any party(ies) are aggrieved by that order, a notice of appeal from that order must be filed within 30 days after the entry of the order on the docket.**

* * * * *

Official Note: The following statutory provisions relate to supersedeas generally:

* * * * *

Under the 1996 amendments to the Rules of Criminal Procedure governing post-sentence practice, see Pa.R.Crim.P. 720 and 721, reconsideration of a decision on a defendant's post-sentence motion or on a Commonwealth motion to modify sentence must take place within the time limits set by those rules, and the judge may not vacate sentence or "grant reconsideration" pursuant to subdivision (b)(3) in order to extend the time limits for disposition of those motions. The amendments to Pa.R.Crim.P. 720 and new Pa.R.Crim.P. 721 resolve questions raised about the interplay between this subdivision and post-trial criminal practice. *See, e.g., Commonwealth v. Corson*, 444 A.2d 170 (Pa. Super, 1982).

Subdivision (a) provides that, when an appeal is taken from a final order that disposes of all claims and of all parties the trial court is divested of jurisdiction to act on a variety of motions that may remain pending, including those seeking relief such as non-contractual prejudgment interest, costs, delay damages or attorneys' fees and costs. When any such motions would remain pending after an appeal from a final judgment, Rule 904(d) requires that those motions be identified in the notice of

appeal so that the appellate court has notice that they are still pending. The appellate court can then decide whether to proceed with the appeal or to remand to the trial court for resolution of any pending motions while retaining jurisdiction. Contractual prejudgment interest is excepted from the general rule that a notice of appeal from a final judgment divests the trial court of jurisdiction because such interest is a legal right and the correction of the judgment is correction of a formal error in the papers and is thus within the scope of subdivision (b)(1). *Fernandez v. Levin*, 519 Pa. 375, 379-80, 548 A.2d 1191, 1193 (1988); *Metro. Edison Co. v. Old Home Manor, Inc.*, 334 Pa. Super. 25, 30-32, 482 A.2d 1062, 1064-1065 (1988). The trial court is not divested of jurisdiction when appealed orders are interlocutory or collateral and thus do not dispose of all claims and of all parties. Nonetheless, in such cases, Rule 1701(c) may still restrict the issues as to which the trial court may act. The 2011 amendment to Rule 1701 could lead to a different result in *Miller Electric Co. v. DeWeese*, 589 Pa. 167, 907 A.2d 1051 (2006) and cases that followed that decision, such as *Old Forge School District v. Highmark, Inc.*, 592 Pa. 307, 317, 924 A.2d 1205, 1211 (2007), because under the Rule as amended, a trial court could not decide attorneys' fees while the underlying case was on appeal unless the appellate court had issued a limited remand for that purpose.

CHAPTER 19. PREPARATION AND
TRANSMISSION OF RECORD AND RELATED
MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1931. Transmission of the Record.

* * * * *

(d) *Service of the list of record documents.*—[**The**] **When the record is sent to the appellate court, the clerk of the lower court shall [, at the time of the transmittal of the record to the appellate court, mail] send a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.**

(e) *Multiple or already pending appeals.*—[**Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.]** **If the trial court sends the record to an appellate court and further notices of appeal have been or are filed while the appeal is pending, the trial court does not need to replicate the record transmitted pursuant to the first notice of appeal. Only the record postdating the first transmission needs to be sent.**

EXPLANATORY COMMENT

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 341, 903, 904, 1701 and 1931. Under the Pennsylvania Rules of Civil Procedure, once post-trial motions are determined or deemed denied, there is a final and appealable order. Despite the language in Pa.R.C.P. No. 227.4(1)(b) ("A judgment entered pursuant to this subparagraph shall be final as to all parties and all issues and shall not be subject to reconsideration"), trial courts do in fact leave issues unresolved at the time they determine post-trial motions, and the Supreme Court has

recognized that when the trial court finally does resolve those issues, the trial court has effectively issued a second (or subsequent) final order. *See Miller Electric Co. v. DeWeese*, 589 Pa. 167, 907 A.2d 1051 (2006). The same possibility of multiple final orders exists if a trial court grants preliminary objections, judgment on the pleadings, or summary judgment.

In addition to motions pending when a notice of appeal is filed, parties at times file requests for relief in the trial court after an appeal has been taken. Unless the request is for a ministerial correction to the judgment or is asking the trial court to enforce or otherwise ensure that effect is given to already-entered orders (such as by entering an order of contempt), the trial court is without jurisdiction to act on pending or newly-filed requests for relief, unless the appellate court expressly remands for the court to consider such motions. *See Pa.R.A.P. 1701*. As a result, pending or subsequent motions for—for example—attorneys' fees would need to languish in the trial court until the case is remanded to it. Under the procedure set forth in Rule 1701(b)(5), however, if an appellate court determines that it will promote fairness or judicial economy to consider the matters on appeal together with any matters that are pending in the trial court, the appellate court may remand for resolution of those matters while retaining jurisdiction over the initial appeal. These amendments are designed to clarify this procedure and to ensure that the appellate court has notice of outstanding requests for relief, because, obviously, an appellate court cannot remand for determination of a request for relief it does not know exists.

Suggested new language is bold; suggested deletions are bold and in brackets.

[Pa.B. Doc. No. 11-1417. Filed for public inspection August 19, 2011, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rule 1910.16-4 of the Rules of Civil Procedure; No. 547 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 3rd day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 1618 (March 26, 2011) and *West's Pennsylvania Reporter*, 13 A.3d No. 2 (April 1, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-4 of the Pennsylvania Rules of Civil 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 in 30 days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

* * * * *

(d) *Divided or Split Physical Custody When Each Party Has Primary Custody of One or More of the Children. Varied Custodial Schedules.*

(1) *Divided or Split Physical Custody When Each Party Has Primary Custody of One or More of the Children.* When calculating a child support obligation, and one or more of the children reside **primarily** with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$2,500 and \$1,250 respectively, Father's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,190. As Father's income is 67% of the parties' combined net monthly income, Father's support obligation for the two children living with Mother is \$797. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is \$273. Subtracting \$273 from \$797 produces a net basic support amount of \$524 payable to Mother as child support.

[(2)] (A) When calculating a combined child support and spousal or alimony pendente lite obligation, and one or more children reside with each party, the court shall, except as set forth in subdivision (3) below, offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support.

[(3)] (B) When one or more of the children resides with each party and the obligee's net income is 10% or less of the parties' combined net monthly income, then, in calculating the spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(2) *Varied Custodial Schedules.* When the parties have more than one child and each child spends different amounts of partial or shared custodial time with the obligor, the trier of fact shall add the percentage of time each child spends with the obligor and divide by the number of children to determine the obligor's percentage of custodial time. If the average percentage of time the children spend with the obligor is 40% or more, the provisions of subdivision (c) above apply.

Example 1. The parties have two children and one child spends 50% of the time with the obligor and another spends 20% of the time with the obligor. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average of the time with the obligor). Pursuant to subdivision (c), the obligor

does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with the obligor and the third child spends 30% of the time with the obligor. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with the obligor). Pursuant to subdivision (c), the obligor receives a reduction in the support order for substantial parenting time.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

* * * * *

[Pa.B. Doc. No. 11-1418. Filed for public inspection August 19, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption of Local Rules of Juvenile Procedure; No. CP-28-AD-64-2011

Order of Court

And Now this 27th day of August, 2011, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Juvenile Division, are adopted as indicated on this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rules of Juvenile Procedure 120, 120, 210 shall read as follows.

It Is Further Ordered that the District Court Administrator shall:

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

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

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

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

5. Arrange to have the local rules published on the Franklin County Bar Association web site at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

Rule 39-100. Scope of Rules.

Except where specifically limited to the Franklin County Branch or the Fulton County Branch, these rules shall govern juvenile court procedures in the Court of Common Pleas of both branches of the 39th Judicial District of Pennsylvania, and shall be cited as 39th Jud. Dist. R.J.C.P. ____.

Rule 39-120. Definitions.

The following words and phrases, when used in any Rule of Juvenile Procedure, shall have the following meanings:

Issuing authority is any public official having the power and authority of a Magisterial District Judge or a Judge of the Court of Common Pleas of the 39th Judicial District.

Rule 39-210. Arrest Warrants.

A. *Application.* The Court hereby designates the Magisterial District Judges of the 39th Jud. Dist. As issuing authorities pursuant to Pa.R.J.C.P. 210(A) with authority to issue arrest warrants pursuant to the procedures set in Pa.R.J.C.P. rules 210 through 213. An application for an arrest warrant shall be made by submitting a written allegation supported by a probable cause affidavit with an issuing authority.

B. *Continuous coverage.* To ensure sufficient availability of issuing authorities to provide the services required by this rule:

1. In both branches of the 39th Judicial District of Pennsylvania, all Magisterial District Judge offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m., prevailing time.

2. Magisterial District Judges shall be available twenty-four hours per day, every day of the calendar year, to provide continuous coverage for the issuance of arrest warrants pursuant to this rule. The Magisterial Judges shall satisfy this rule by remaining "on-call" during non-regular business hours on a rotating basis pursuant to a schedule prepared by the District Court Administrator and approved by the President Judge. The "on-call" schedule for each year shall be filed with the Clerk of Courts and be available for public inspection, as well as distributed and publicized pursuant to the order of the President Judge.

3. This designation of Magisterial District Judges as issuing authorities pursuant to Rule 210(A) of the Pa.R.J.C.P. does not supplant but is in addition to the authority of the President Judge and the other Judges of the Court of Common Pleas to issue warrants pursuant to Pa.R.J.C.P. 210(A) as may be necessary.

Comments: The purpose of this rule is carry out the requirements of Pa.R.J.C.P. 210(A) which requires, the "president judge shall ensure twenty-four hour availability of a designated issuing authority."

This rule is intended to supplement the duties of the "on-call" magistrate as delineated by 39th Jud. Dist. R.

Crim. P. 117. The "on-call" magistrate shall be charged with carrying out the requirements of this rule and 39th Jud. Dist. R. Crim. P. 117.

[Pa.B. Doc. No. 11-1419. Filed for public inspection August 19, 2011, 9:00 a.m.]

MERCER COUNTY

Administrative Orders No. 2 A.D. 2011 and No. 3 A.D. 2011; No. 181 M.D. 2011

Order

And Now, this 3rd day of August, 2011, the Court Hereby Approves, Adopts and Promulgates Mercer County Administrative Order #2 A.D. 2011 and Administrative Order #3 A.D. 2011, effective thirty (30) days after the date of publication of these Orders in the *Pennsylvania Bulletin* pursuant to Rule 103(c) of the Pennsylvania Rules of Judicial Procedure.

It is also *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of these Orders with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Juvenile Court Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this Administrative Order shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,
President Judge

[Pa.B. Doc. No. 11-1420. Filed for public inspection August 19, 2011, 9:00 a.m.]

MERCER COUNTY

Appointment of Court Administrator as Designee to Receive Reports in Juvenile Matters; No. 3 A.D. 2011

Administrative Order

And Now, July 18, 2011, pursuant to R.Juv.P. 1604, *It Is Ordered and Decreed* that the Court Administrator of the Courts of Common Pleas of the 35th Judicial District (Mercer County), is the designee to receive reports from foster parents, preadoptive parents or a relative providing care for a child. The Court Administrator shall then disseminate copies of those reports to the respective juvenile agency, to all attorneys of record and unrepresented parties to the proceeding.

By the Court

FRANCIS J. FORNELLI,
President Judge

[Pa.B. Doc. No. 11-1421. Filed for public inspection August 19, 2011, 9:00 a.m.]

MERCER COUNTY

Appointment of Educational Decision Maker; No. 2 A.D. 2011

Administrative Order

And Now, July 18, 2011, pursuant to Rules of Juvenile Procedure 120, 147, 1120 and 1147, K. Jennifer Muir, Esquire, is appointed as the Educational Decision Maker when a juvenile has no guardian or the Court has limited the guardian's right to make such decisions for the juvenile. The Educational Decision Maker shall act as the juvenile's representative concerning all matters regarding education in dependency and delinquency proceedings when the juvenile has no guardian or the Court has limited the guardian's right to make such decisions for the juvenile.

The Educational Decision Maker shall act as the juvenile's representative concerning all matters regarding education, provided, however, where the educational decision maker and Children & Youth Services or Juvenile Probation disagree as to the appropriate educational decision, the Judge handling that juvenile's case shall make the final education decision thereon.

By the Court

FRANCIS J. FORNELLI,
President Judge

[Pa.B. Doc. No. 11-1422. Filed for public inspection August 19, 2011, 9:00 a.m.]

SNYDER COUNTY

Administrative Fee; No. CP-55-AD-0000006-2011

Order

And Now, this 12th day of July, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of Snyder County, Pennsylvania, adopts an Administrative fee of thirty dollars (\$30.00) for all Criminal Cases. This Administrative fee will apply to all Juvenile and Adult defendants. This fee is authorized by 42 Pa.C.S.A. 9728(g).

1. This fee is effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The Administration fee of thirty dollars (\$30.00) shall be collected by the Snyder County Clerk of Courts after a defendant is sentenced. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1423. Filed for public inspection August 19, 2011, 9:00 a.m.]

SNYDER COUNTY

Administrative Fee; No. CP-55-AD-0000007-2011

Order

And Now, this 12th day of July, 2011, the court hereby Approves, Adopts and Promulgates Snyder County Admin-

istrative Order CP-55-AD-0000006-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-55-AD-0000006-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-55-AD-0000006-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-55-AD-0000006-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1424. Filed for public inspection August 19, 2011, 9:00 a.m.]

SNYDER COUNTY

Reinstatement of the Case Management Fee for Adults on Probation; No. CP-55-AD-0000008-2011

Order

And Now, this 2nd day of August, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of Snyder County, Pennsylvania, adopts the reinstatement of the Case Management fee for Adults, eighteen (18) and older, placed upon Probation. This fee will consist of a ten dollars (\$10) a month fee for all active defendants on Probation whose case is being managed by the Snyder County Probation Department. This fee is authorized by 18 P. S. § 11.1102(c).

1. This fee is effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The Case Management fee of ten dollars (\$10.00) a month shall be collected by the Snyder County Clerk of Courts after a defendant is sentenced to Probation. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1425. Filed for public inspection August 19, 2011, 9:00 a.m.]

SNYDER COUNTY

Reinstatement of the Case Management Fee for Adults on Probation; No. CP-55-AD-0000009-2011

Order

And Now, this 2nd day of August, 2011, the court hereby *Approves, Adopts and Promulgates* Snyder County Administrative Order CP-55-AD-0000008-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-55-AD-0000008-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-55-AD-0000008-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-55-AD-0000008-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1426. Filed for public inspection August 19, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Parrish Blake Stanton having been suspended from the practice of law in the State of Tennessee for a period of 18 months by Order of Enforcement of the Supreme Court of Tennessee dated October 14, 2010, the Supreme Court of Pennsylvania issued an Order dated August 2, 2011 suspending Parrish Blake Stanton from the practice of law in this Commonwealth for a period of 18 months, effective September 1, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1427. Filed for public inspection August 19, 2011, 9:00 a.m.]

PROPOSED RULEMAKINGS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Accountants

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend § 43b.10a (relating to schedule of civil penalties—accountants) to read as set forth in Annex A.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with the licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate schedules of civil penalties of up to \$1,000 for minor violations of the enabling acts and regulations of Bureau licensing boards.

Background and Purpose

Under authority of Act 48, the Bureau agents issue citations and impose civil penalties in accordance with schedules of civil penalties adopted by the Commissioner in consultation with Bureau licensing boards. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, respondents who receive Act 48 citations retain their due process right of appeal prior to imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented. Act 48 citations have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the Bureau licensing boards being accomplished through the Act 48 citation process.

Under the authority of Act 48, the Commissioner published a statement of policy at 28 Pa.B. 5883 (November 28, 1998) establishing Act 48 civil penalties for certain violations of the CPA Law (act) (63 P. S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board) in §§ 11.1—11.86. The Commissioner published a final-form rulemaking at 31 Pa.B. 1227 (March 3, 2001) that replaced the statement of policy with identical Act 48 civil penalties. The Commissioner has now determined, based on input from the Board, that the Act 48 civil penalties for violations of the act and the Board's regulations require updating to further improve the efficiency of the Bureau's enforcement efforts.

The Commissioner proposes to do the following: increase the Act 48 civil penalty for one continuing professional education (CPE) violation; add Act 48 civil penalties for additional CPE violations; eliminate the Act 48 civil penalty for a CPE violation that is no longer recognized under the act; restrict the applicability of Act 48 civil penalties for certain violations involving the unauthorized use of professional designations and other unauthorized representations; and make editorial changes to the descriptions of violations for which Act 48 civil penalties are assessed.

Description of Proposed Amendments

The proposed rulemaking would increase the Act 48 civil penalty for first and second offenses regarding failure to complete at least 20 CPE hours in each year of a CPE reporting period as required under § 11.62(b) (relating to credit-hour requirement). The proposed rulemaking also would add Act 48 civil penalties for first and second offenses regarding failure, during each CPE reporting period, to complete 80 CPE hours overall, including 16 hours in accounting and attest subjects, 8 hours in tax subjects and 4 hours in professional ethics, as required under section 8.2(b) of the act (63 P. S. § 9.8b(b)) and § 11.63(a)(1), (6) and (7) (relating to continuing education subject areas). Third and subsequent offenses for these violations would continue to be handled through formal action (that is, issuance of an order to show cause). The proposed rulemaking would reflect that the violation relating to failure to timely submit documentation of CPE hours, the first offense of which is punishable by an Act 48 civil penalty, is in § 11.67(b) (relating to reporting of continuing education credit hours). A second and subsequent offense for this violation would continue to be handled through formal action.

The Board has contemporaneously submitted a proposed rulemaking, published at 41 Pa.B. 4541 (August 20, 2011), that, among other things, proposes to do the following: relocate existing CPE requirements to the sections previously referenced; establish the professional ethics requirement previously referenced; require a licensee to make up a CPE deficiency within 6 months after imposition of a disciplinary sanction for noncompliance; and provide that a licensee's failure to timely satisfy a CPE deficiency will result in the automatic suspension of the licensee's professional credentials until the deficiency is satisfied.

The proposed rulemaking would eliminate the Act 48 civil penalty for violating section 8.2(b) of the act by completing CPE hours after the end of a CPE reporting period but before the start of the next license period. When the current schedule of Act 48 civil penalties was adopted in 1998, a CPE reporting period ended on December 31 of each odd-numbered year while a license period ended on April 30 of each even-numbered year. Since 2008, the reporting period and license period have been coextensive, with both ending on December 31 of each odd-numbered year.

The proposed rulemaking would restrict the applicability of Act 48 civil penalties for the first-time unauthorized use of the titles "certified public accountant" and "public accountant," the abbreviations "CPA" and "PA" and similar representations, as prohibited under section 12(a), (c) and (j) of the act (63 P. S. § 9.12(a), (c) and (j)), to those individuals and entities that have never been credentialed by the Board as certified public accountants, public accountants or public accounting firms. The Board prefers that certified public accountants, public accountants and public accounting firms that use professional designations after their licenses have lapsed be charged with the unlicensed practice of public accounting under section 12(q) of the act, which the Board has always enforced through formal action, fashioning each disciplinary sanction on a case-by-case basis by taking into account the length of time that a license has lapsed and the type of accounting activities performed.

The proposed rulemaking also would restrict the applicability of an Act 48 civil penalty for the first-time unauthorized representation of membership in a professional accounting society, association or organization, as prohibited under section 12(o) of the act, to those individuals and entities that have never been credentialed as certified public accountants, public accountants or public accounting firms. It is not unlawful under section 12(o) of the act for certified public accountants, public accountants and public accounting firms with lapsed licenses to represent their professional membership affiliations.

Fiscal Impact

The proposed rulemaking would not impose additional costs on the regulated community because civil penalties may be imposed in any disciplinary proceeding, whether initiated by an Act 48 citation or by formal action. Rather, because the majority of disciplinary sanctions imposed by the Board involve first-time violations of CPE requirements, the regulated community should realize some savings, in the form of less time spent on paperwork and reduced legal fees, from the transfer of most CPE disciplinary proceedings to the streamlined procedures authorized by Act 48. It is not possible to give a reliable estimate of these savings.

The proposed rulemaking should also result in savings for the Board and the Bureau's Prosecution and Counsel Divisions, which would spend less time on disciplinary proceedings relating to violations of CPE requirements. It is not possible to give a reliable estimate of these savings.

The proposed rulemaking will not have a fiscal impact on the general public or other agencies and political subdivisions of the Commonwealth.

Paperwork Requirements

The proposed rulemaking will reduce the overall amount of paperwork associated with disciplinary proceedings relating to violations of CPE requirements. The proposed rulemaking would not create additional paperwork for the general public or other agencies and political subdivisions of the Commonwealth.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 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 the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

Public Comment

The Commissioner invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

KATIE TRUE,
Commissioner

(Editor's Note: See 41 Pa.B. 4541 (August 20, 2011) for a proposed rulemaking by the State Board of Accountancy relating to this proposed rulemaking.)

Fiscal Note: 16A-48. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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

§ 43b.10a. Schedule of civil penalties—accountants.

STATE BOARD OF ACCOUNTANCY

Violation under 63 P. S.

Section 9.8b(b)

Title/Description

[**Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)] **Failure to complete 80 hours of acceptable continuing professional education during reporting period****

Civil Penalty

[**1st offense—\$150**
2nd offense—formal action]
1st or 2nd offense—1 to 20 hour deficiency—\$300; 21 to 40 hour deficiency—\$600; 41 to 60 hour deficiency—\$800; 61 to 80 hour deficiency—\$1,000 #
3rd or subsequent offense—formal action

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person [never licensed] not possessing CPA certificate in good standing	1st offense—\$500* 2nd offense—formal action
Section 9.12(c)	[Unlawful use of “certified public accountant” “CPA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	2nd offense—formal action] 1st offense—\$500* 2nd offense—formal action
Section 9.12(j)	[Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500
Section 9.12(j)	Unlawful use of “public accountant,” [or] “PA” or similar representation by person never licensed	2nd offense—formal action] 1st offense—\$500* 2nd offense—formal action
Section 9.12(o)	[Unlawful use of “public accountant,” or “PA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500
Section 9.12(o)	Unlawful representation of membership in professional society, association or organization of CPA’s or PA’s by person not credentialed as CPA or PA or firm [never] not licensed	2nd offense—formal action] 1st offense—\$250* 2nd offense—formal action
[Unlawful representation of membership in professional society, association or organization of CPA’s or PA’s by person or firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$250	
Violation under 49 Pa. Code [,] Chapter 11	Failure to complete 20 hours of acceptable continuing professional education during each year [(assumes no other continuing education violation)] of reporting period	2nd offense—formal action] 1st or 2nd offense—[\$150] \$300
Section [11.62(a)(2)] 11.62(b)	[2nd] 3rd or subsequent offense—formal action	
Section 11.63(a)(1)	Failure to complete 16 hours of acceptable continuing professional education in accounting and attest subjects during reporting period	1st or 2nd offense—1-4 hour deficiency—\$300; 4-8 hour deficiency—\$400; 9-12 hour deficiency—\$500; 13-16 hour deficiency—\$600 # 3rd or subsequent offense—formal action

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 11.63(a)(6)	Failure to complete 8 hours of acceptable continuing professional education in tax subjects during reporting period	1st or 2nd offense—\$300 # 3rd or subsequent offense—formal action
Section 11.63(a)(7)	Failure to complete 4 hours of acceptable continuing professional education in professional ethics during reporting period	1st or 2nd offense—\$300 # 3rd or subsequent offense—formal action
Section [11.68(b)] 11.67(b)	Failure to timely submit documentation of continuing professional education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd offense—formal action

* The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct.

When there are violations of both 63 P. S. § 9.8b(b) and 49 Pa. Code § 11.63(a)(1), (6) or (7) (relating to CPE subject areas; relevance to professional competence), a combined civil penalty will not be assessed for both sets of violations. The highest civil penalty will be assessed whether for the violation of 63 P. S. § 9.8b(b) or 49 Pa. Code § 11.63(a)(1), (6) or (7).

[Pa.B. Doc. No. 11-1428. Filed for public inspection August 19, 2011, 9:00 a.m.]

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists

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

Effective Date

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

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

Background and Need for the Amendment

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's licensing boards. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts. The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) has had an Act 48 schedule of civil penalties since 2001. See 31 Pa.B. 1227 (March 3, 2011).

Section 3(a) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P. S. § 150(a)) makes it "unlawful for any person to practice or to offer to practice engineering in this Commonwealth, unless he is licensed and registered under the laws of this Commonwealth as a professional engineer" and similarly prohibits unlicensed

practice of land surveying and geology. Section 3(b) of the act provides that a person is construed to practice or offer to practice engineering, land surveying or geology if the person, among other things, "by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer, land surveyor or geologist, or through the use of some other title implies that he is an engineer, land surveyor or geologist or that he is registered under this act." The prohibition against unlicensed practice applies also to practicing while one's license is lapsed; that is, the license was not renewed upon expiration. See § 37.18(3) (relating to reactivation of licensure status), which provides that a licensee whose license has lapsed due to failure to register biennially with the Board is prohibited from the practice of that profession in this Commonwealth unless the licensure status is reactivated. Section 4(e) of the act (63 P. S. § 151(e)) authorizes the Board, among other things, to require licensees to register biennially with the Board and to collect the biennial registration fee, issue biennial registration to those licensees who renew, suspend the licenses of persons who do not renew and reinstate the licenses of those persons who thereafter renew and pay the registration fees. To enforce these provisions, section 11(b) of the act (63 P. S. § 158(b)) authorizes the Board to levy a civil penalty of up to \$1,000 on a licensee who violates a provision of the act or on a person who practices the profession without being properly licensed to do so. Section 5(b)(4) of Act 48 authorizes the Board, as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on a licensee or unlicensed person who violates a provision of the act or Board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation. This authority to levy a civil penalty is in addition to the Board's authority under section 4(g) of the act to suspend or revoke the license and registration of a licensee who has, among other things, committed misconduct in the practice of the profession, which includes violating a provision of the act or Board regulations.

The Board's current Act 48 schedule of civil penalties authorizes issuance of a citation under section 4(g) of the act for representing oneself as an engineer, land surveyor or geologist on a sign, advertisement, letterhead or card

without being licensed or registered and provides that the penalty for a first offense is a civil penalty of \$1,000 and for a subsequent offense is formal action. It is generally simpler and more straightforward and therefore more amenable to the streamlined procedures in Act 48 to prove that a person offered to practice the profession by holding himself out as an engineer, land surveyor or geologist through use of a business card or other medium than to prove that the person actually practiced the profession. Charges of actually practicing the profession are brought only through the traditional process of filing an order to show cause, an answer from the respondent and full hearing. The current schedule also authorizes issuance of a citation under section 4(e) of the act for biennial renewal—practicing on a lapsed license or registration and provides that the penalty for a first offense is a civil penalty of \$500 for practice up through 5 months or \$1,000 for practice from 6 months to a year and for a subsequent offense is formal action.

In the recent case of *Evans v. State Reg. Bd. for Prof. Engineers, Land Surveyors and Geologists*, 15 A.3d 99 (Pa. Cmwlth. 2011), the court reversed the Board's order sustaining a citation issued under section 4(e) of the act for practicing geology on a lapsed license. Because section 4(e) of the act empowers the Board to do many tasks but does not impose duties on licensees, the court held that a licensee cannot be disciplined for "violating" this section of the act. The court also noted that a licensee can no more "violate" a section of the act providing a definition (as does section 3(b) of the act) than "violate" a section of the act that provides the Board's authority (as does section 4(e) of the act). The court opined that the Commonwealth should have charged under section 3(a) of the act, as construed by section 3(b) of the act and in light of the Board's authority under section 4(e) of the act. The court further noted its understanding that the Commonwealth issued the citation referencing section 4(e) of the act because the Board's Act 48 schedule does not mention section 3(a) of the act, but only provides for sections 3(b) and 4(e) of the act for unlicensed practice by holding out and for practice on a lapsed license, respectively.

Description of the Proposed Amendments

The Commissioner, in consultation with the Board, proposes to amend the Board's schedule to correct the deficiencies noted by the Commonwealth Court. Instead of a citation for unlicensed practice by holding out referencing only section 3(b) of the act, the schedule would reference section 3(a) of the act and describe the violation as "offering to practice engineering, land surveying or geology by representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, as construed by section 150(b), without being licensed or registered." Instead of a citation for practice on a lapsed license referencing section 4(e) of the act, the schedule would reference § 37.18(3) and use the language of that section to describe the violation as "practicing after license and registration have lapsed, while in compliance with continuing education requirements." The Board's regulation in § 37.19(c)(5) (relating to biennial renewal of licensure status) requires a licensee to verify compliance with the continuing education requirements as a condition of licensure renewal. Section 37.111(d) (relating to continuing education) provides that a licensee who failed to complete the required amount of continuing education is subject to an Act 48 citation and is required to make up all deficient continuing education. Because of the greater risk of harm to the public by a licensee continuing to practice after expiration of the license

without renewing due to having failed to complete the required amount of continuing education, a combination of violations should normally be addressed through formal action. However, it is not the Board's intention that the Commonwealth would be precluded from issuing both citations to a licensee who did not complete the required amount of continuing education and did not renew but continued to practice and who subsequently cured the deficiency in continuing education and reactivated the license before the end of that biennial renewal cycle. The maximum civil penalty of \$1,000 is appropriate for a licensee who has continued to practice an entire biennial renewal cycle on a lapsed license. Because the biennial renewal cycle is 24 months, the schedule would provide that the civil penalty is \$50 per month up to a maximum of \$1,000.

Subsequent violations of practicing on a lapsed license for less than one renewal cycle would also be subject to an Act 48 citation and does not need to proceed through the formal disciplinary process. Because practice for an extended period of time might suggest the need to impose additional sanctions, violations of practice on a lapsed license for more than one renewal cycle would proceed through the formal disciplinary process. The Board has concluded that the amount of the civil penalty for practicing on a lapsed license should be proportionate to the length of time from expiration of the license until the licensee has reactivated the license.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector. To the extent that the proposed rulemaking corrects the references in the Act 48 citation schedule, there will not be fiscal impact. Moreover, to the extent the proposed rulemaking also provides for additional violations of the act and Board regulations to be prosecuted through the issuance of a citation rather than formal action, the proposed rulemaking will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board to be self-supporting. Therefore, the Commissioner and the boards continuously monitor the cost effectiveness of their regulations. As a result, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2011, the Commissioner submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-

2649, ST-ENGINEER@state.pa.us, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-54 (schedule of civil penalties—engineers, land surveyors and geologists) when submitting comments.

KATIE TRUE,
Commissioner

Fiscal Note: 16A-54. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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

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

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation Under 63 P. S.	Title/Description	Penalties
Section [150(b)] 150(a)	[Representing] Offering to practice engineering, land surveying or geology in this Commonwealth by representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, as construed by section 150(b), without being licensed or registered	1st offense—\$1,000 2nd offense—formal action
[Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense— Up thru 5 months—\$500 6 months thru 1 year—\$1,000 over 1 year—formal action 2nd offense—formal action]
	* * * *	*
Violation Under 49 Pa. Code Chapter 37	Title/Description	Penalties
	* * * *	*
Section 37.18(3)	Practicing engineering, land surveying or geology in this Commonwealth after license and registration have lapsed (while in compliance with continuing education requirements)	One renewal cycle or less—\$50 per month lapsed, not to exceed \$1,000 More than one renewal cycle—formal action

[Pa.B. Doc. No. 11-1429. Filed for public inspection August 19, 2011, 9:00 a.m.]

STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

Continuing Professional Education

The State Board of Accountancy (Board) proposes to amend Chapter 11 to read as set forth in Annex A.

Background and Purpose

Under sections 8.2(b) and 9.2(d) of the CPA Law (act) (63 P. S. §§ 9.8b(b) and 9.9b(d)), an individual applicant for initial issuance of a license, renewal of a current license or reactivation of an expired or inactive license shall have completed 80 hours of continuing professional education (CPE) as prescribed by the Board during the relevant 2-year reporting period. Section 3(a)(10) of the act (63 P. S. § 9.3(a)(10)) empowers the Board to adopt regulations implementing CPE requirements. Section 8.2(c) and (d) of the act authorizes the Board to waive CPE requirement or to extend deadlines for compliance with CPE requirements for good or reasonable cause. Section 9.1(a)(4) and (10) of the act (63 P. S. § 9.9a(a)(4) and (10)) makes it a violation of the act for an individual to violate a Board regulation regarding professional conduct or fail to comply with CPE requirements.

The Board initially adopted CPE regulations in September 1979 and amended them in February 1985, December 1994 and January 2001. The last set of amendments dealt principally with the Board's requirements for CPE program sponsors.

The proposed rulemaking primarily would reorganize and update CPE requirements applicable to individuals who practice as certified public accountants (CPA) or public accountants (PA). Specifically, the proposed rulemaking would do the following: clarify applicable CPE reporting periods, acceptable sources of CPE hours and forms of CPE documentation, and permissible grounds for CPE waiver or modification; revise CPE subject areas, including the addition of a mandatory ethics component; simplify CPE reporting requirements; and which forms of disciplinary action will apply to which types of CPE violations. The proposed rulemaking also would expand the categories of preapproved CPE program sponsors and make editorial changes to other CPE program sponsor regulations.

Description of Proposed Rulemaking

§ 11.1. Definitions

Section 11.1 defines words, terms and phrases used in Chapter 11. The proposed rulemaking would add definitions of "CPE" and "NASBA" as abbreviations for "continuing professional education" and "National Association of State Boards of Accountancy," respectively. Consistent with the new terminology and structure of the revised CPE regulations, the proposed rulemaking also would delete the definitions of "continuing education program," "credit hour" and "professor" and clarify the definitions of "certificate of completion," "group program" (relabeled "group study program"), "interactive individual study program," "noninteractive individual study program" and "program sponsor" (relabeled "CPE program sponsor").

§ 11.61. Scope

Section 11.61 currently provides that an applicant for a license under section 8.2 of the act shall comply with CPE requirements in §§ 11.62—11.65, 11.67—11.69 and 11.71.

The proposed rulemaking would amend § 11.61 to state more fully the individuals and entities that are subject to the regulations in Chapter 11 regarding CPE and to correct the cross-references to other regulations.

§ 11.62. CPE requirement for issuance of license; waiver or extension

This section currently sets forth the basic CPE requirements and provides information about exemption from CPE requirements, modification of CPE requirements and disciplinary action for noncompliance with CPE requirements.

Subsection (a) currently requires an applicant for biennial renewal of a license to have completed 80 hours of CPE during the preceding biennial period, including a minimum of 20 hours each year and a minimum of 16 hours in accounting and auditing subjects and 8 hours in tax subjects as part of the overall total. Existing subsection (a) further provides that except as otherwise permitted in the regulations, preparation time may not be included as part of CPE hours and that the minimum measure of CPE credit is a whole credit hour (currently defined in § 11.1 (relating to definitions) as 50 minutes of participation). Subsection (b) currently provides that the Board may modify CPE requirements on an individual basis under authority of section 8.2(c) and (d) of the act. Subsection (c) currently provides that failure to comply with CPE requirements may subject a licensee to disciplinary action under section 9.1(a)(10) of the act. Subsection (d) currently provides that an applicant for an initial license is exempt from CPE requirements during the biennial period when the applicant passed the CPA examination.

The proposed rulemaking would amend the heading of this section to "CPE requirement for issuance of license; waiver or extension" and reorganize and revise its contents to clarify CPE requirements and reporting periods applicable to three types of license applicants: an applicant for an initial license; an applicant for renewal of a current license; and an applicant for reactivation of an expired or inactive license. The proposed rulemaking also would clarify the basis for waiving or extending CPE requirements and relocate the remaining contents of this section to other sections.

Proposed subsection (a) would require a regular or reciprocal applicant for an initial license to have completed 80 CPE hours, in appropriate subject areas under proposed § 11.63 (relating to CPE subject areas; relevance to professional competence), during the 2-year reporting period preceding the filing date of the application. CPE requirements would not apply to an applicant who passed the CPA examination during the 2-year period preceding the filing date of the application. The revised CPE reporting period is more meaningful than the current reporting period utilized by the Board because of its closer proximity to the filing date of the application. Under the current reporting period, an applicant for an initial license shall have completed CPE during the most recent 2-year period ending on December 31 of the odd-numbered year that precedes the filing date of the application.

Proposed subsection (b) would require an applicant for renewal of a current license to have completed 80 CPE hours, in appropriate subject areas under proposed § 11.63, during the 2-year reporting period preceding the start of the next license period. Consistent with current requirements, an applicant for renewal of a current license would have to complete 20 CPE hours during each

year of the reporting period. Under section 8.2(a) and (b) of the act, the biennial license period and the CPE reporting period for a current licensee are identical, beginning January 1 of each even-numbered year and ending December 31 of each odd-numbered year.

Proposed subsection (c) would require an applicant for reactivation of an expired or inactive license to have completed 80 CPE hours, in appropriate subject areas under proposed § 11.63, during the 2-year reporting period preceding the filing date of the application. CPE requirements would not apply to an applicant who is reactivating an inactive licensee that has a current expiration date because the applicant would have previously completed CPE as a condition for issuance of the license. Section 9.2(d) of the act prescribes the CPE reporting period applicable to the reactivation of an expired or inactive license.

Proposed subsection (d) would provide that the Board may waive a CPE requirement in whole or in part upon a showing of individual hardship, such as for reasons of illness, military service or other good cause. The Board also would be permitted to extend the time period for compliance with CPE requirements upon a showing that failure to timely complete CPE was due to reasonable cause. Section 8.2(c) and (d) of the act sets forth the Board's authority to relax or extend CPE requirements.

The proposed rulemaking would relocate text in this section as follows: required CPE subjects to proposed § 11.63; information about the awarding of CPE hours, including for "preparation time," to proposed § 11.64 (relating to sources of CPE hours); and information about the disciplinary consequences for violating CPE requirements to new § 11.68a (relating to disciplinary action for failure to comply with CPE requirements).

§ 11.63. *CPE subject areas; relevance to professional competence*

This section currently identifies the following as acceptable subject areas for CPE: accounting and auditing, advisory services, management, professional skills development, specialized knowledge and applications and taxation.

The proposed rulemaking would amend the heading of this section to "CPE subject areas; relevance to professional competence." The proposed rulemaking would also reorganize the existing provisions regarding subject matter, as revised with substantive and editorial changes, into subsection (a) and add subsection (b).

Proposed amendments to subsection (a) would relabel the subject area of accounting and auditing as "accounting and attest." The revised terminology is a more accurate description of those financial statement services that include the expressing or disclaiming of an opinion or assurance on the financial information presented. Consistent with current requirements, the proposed amendments to this section would provide that a minimum of 8 CPE hours shall be in taxation and a minimum of 16 CPE hours shall be in accounting and attest.

Proposed amendments to subsection (a) also would add the subject area of professional ethics and provide that a minimum of 4 CPE hours shall be completed in professional ethics as a condition of license renewal for the license period that begins January 1, 2014, and for subsequent license periods. A mandatory professional ethics component for CPE is desirable because it reinforces for practitioners the critical importance of discharging their duties not only with the requisite technical competency, but also with due regard for the principles of

honesty and integrity that must be the threshold attributes of anyone credentialed to practice public accounting. Forty states currently require practitioners to complete between 2 and 8 hours of professional ethics as part of their CPE. Most of these states require 4 hours of professional ethics during each CPE reporting period, which is consistent with the Model Rules to the Uniform Accountancy Act (UAA) jointly promulgated by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). Originally, the Board intended this requirement to be effective with the renewal period that begins on January 1, 2012, and notified licensees to plan accordingly. However, delays in promulgating this proposed rulemaking led to a vote by the Board to postpone implementation of this requirement until 2014. The Board will accept CPE in the area of professional ethics already completed for the 2012 renewal. However, it will not be considered mandatory until the 2014 renewal and thereafter.

Proposed amendments to subsection (a) would delete the subject area of specialized knowledge and applications effective January 1, 2012. Specialized knowledge and applications involve concentrated skill sets for specialized industries or government functions that, in and of themselves, do not relate to the actual practice of public accounting. While it encourages practitioners to avail themselves of specialized training that is appropriate to their particular work or employment environments, the Board is of the view that the proper focus of CPE should be on fostering the continuing competency of practitioners to engage in the practice of public accounting.

Proposed subsection (b) would incorporate the requirement currently in § 11.65 (relating to criteria for continuing education programs) that all CPE hours, regardless of subject area, must directly contribute to maintaining the professional competence of a CPA or PA.

§ 11.64. *Sources of CPE hours*

This section currently sets forth the various sources of CPE hours and the conditions associated with obtaining hours from a particular source, including the need to have an approved CPE program sponsor under § 11.69a (relating to approval of CPE program sponsor). The sources of CPE hours are currently identified in this section as eight separately numbered paragraphs as follows: (1) continuing education programs of National or State accounting organizations; (2) university or college courses; (3) in-house educational programs; (4) individual study programs; (5) programs offered by other qualified organizations; (6) committee meetings; (7) service as a lecturer, discussion leader, speaker or professor; and (8) publications, articles, books and CPE courses.

The current listing of sources of CPE hours in this section tends to confuse the reader because it combines methodologies for obtaining CPE hours with categories of CPE program sponsors. The proposed rulemaking would amend the heading of this section to "sources of CPE hours" and reorganize it into four sources of CPE hours based on methodology: group study programs offered by approved CPE program sponsors in proposed paragraph (1); individual study programs offered by approved CPE program sponsors in proposed paragraph (2); service as an instructor during group study programs offered by approved CPE program sponsors in proposed paragraph (3); and authorship of articles, books and other publications relevant to maintaining professional competence in

proposed paragraph (4). The Board's CPE reporting form has long utilized this four-part rubric for classifying sources of CPE hours.

Section 11.64 currently provides that a participant in a group study program will receive 1 CPE hour for each 50 minutes of participation, unless the program is a credit course offered by an accredited college or university, in which case the participant will receive 15 CPE hours for each semester credit hour earned and 10 CPE hours for each quarter credit hour earned. Proposed paragraph (1) would restate these requirements, together with the requirement currently in § 11.65, that a participant will not receive any CPE credit until there has been at least 50 minutes of participation.

Existing § 11.64 also provides that a participant in an interactive individual study program will receive 1 CPE hour for each 50 minutes of participation. As currently defined in § 11.1, an interactive individual study program is a CPE program that is "designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware or administrative systems that provide significant ongoing interactive feedback to the learner regarding the learning process . . ." Existing § 11.64 further provides that a participant in a noninteractive individual study program will receive CPE credit based upon 1/2 the average completion time recommended by the program sponsor. As defined in § 11.1, a noninteractive individual study program is a CPA program that is "designed to permit a participant to learn a given subject without interaction with an instructor or interactive learning methodologies" and that requires the participant to achieve a minimum score of 70% on an examination that covers the subject. Existing § 11.64 further provides that an individual study program is considered to have been completed on the date the program sponsor issued the certificate of completion and that no more than 40 CPE hours for each reporting period may be satisfied through participation in individual study programs.

Proposed paragraph (2) would clarify that the standard for awarding CPE hours for a noninteractive individual study program is that a participant will receive 1 CPE hour for each 100 minutes of participation. This amendment is a more explicit statement of the rationale underlying the current standard, which assumes that the program sponsor's calculation of CPE hours is based on 50 minutes of participation and then halves the CPE hours so calculated. Before the advent of interactive individual study programs, most states awarded CPE credit for individual study based on a 100-minute hour recommended by the AICPA. Proposed paragraph (2) also would provide that a participant in an interactive individual study program will not receive any CPE credit until there has been at least 50 minutes of participation and that a participant in a noninteractive individual study program will not receive any CPE credit until there has been at least 100 minutes of participation.

Section 11.64 currently provides that an instructor of a qualifying CPE program will receive 3 CPE hours for each hour of instruction; 2 of the 3 CPE hours are intended cover preparation time, regardless of its actual duration. Existing § 11.64 further provides that CPE hours will not be awarded for subsequent presentation of the same program unless its content has substantially changed. With regard to college courses on accounting subjects, existing § 11.64 further provides that an instructor will be awarded CPE hours for teaching an undergraduate course in auditing, intermediate account-

ing, cost accounting, income taxation and advanced accounting or a graduate course that contributes to the student's professional competence, provided the course has not been previously utilized for CPE unless the instructor can demonstrate that its content has substantially changed. Entry-level accounting courses are specifically excluded. Existing § 11.64 further provides that no more than 40 CPE hours for each reporting period may be satisfied through serving as an instructor.

Proposed paragraph (3) would delete the special rules applicable to the teaching of college courses as unnecessary. The Board believes that an instructor of a college-level accounting course, like the instructor of any other CPE program that is offered by an approved program sponsor, should be able to claim CPE hours for teaching the course, subject only to the limitations that the course was not previously utilized for CPE during that reporting period and that the number of CPE hours claimed for each reporting period does not exceed 40. Proposed paragraph (3) also would provide that an instructor will not receive any CPE credit until there has been at least 50 minutes of instruction.

This section currently provides that the author of a publication, book, article or CPE course that contributes to the professional competence of a licensee will receive 1 CPE hour for each hour of preparation time, on a self-declared basis, up to a maximum of 20 CPE hours, unless the author can establish that there are exceptional circumstances warranting the awarding of additional hours. Existing § 11.64 further provides that the number of CPE hours claimed for all writings combined during each reporting period may not exceed 40. Existing § 11.64 further provides that a practitioner seeking CPE hours for authorship of a writing shall submit a copy of the writing at the time of application for license renewal.

Proposed paragraph (4) would eliminate authorship of writings as a basis for the awarding of CPE hours effective January 1, 2012. The Board believes that the elimination of this methodology for obtaining CPE hours is warranted because of the inherent difficulty in verifying how much time practitioners have spent on research and writing—particularly with regard to co-authored publications—and because only a small number of current practitioners during each reporting period have sought to claim CPE hours based on authorship of writings. In its February 2010 notice mailed to licensed CPAs and PAs, the Board advised those practitioners who wish to obtain CPE hours based on authorship of writings to ensure that publication occurs before January 1, 2012, because CPE hours can only be awarded for the year in which publication occurs.

Proposed paragraph (4) also would eliminate the need for a practitioner who is renewing a license for the 2012-2013 license period to submit a copy of a writing for CPE credit with the license renewal application. This is consistent with the approach of other licensing boards within the Bureau of Professional and Occupational Affairs (Bureau) that require documentary evidence regarding CPE hours to be submitted in connection with a post-renewal CPE audit rather than as part of the license renewal process. Proposed paragraph (4) would further provide, consistent with the requirements regarding other sources of CPE hours, that a practitioner will not receive CPE credit as an author unless the work required at least 50 minutes of researching and writing.

§ 11.65. Criteria for continuing education programs

Section 11.65 currently provides that to qualify as a CPE program, a program must: (1) contribute directly to

maintaining the professional competence of a CPA or PA; (2) be at least 1 credit hour in length; (3) be conducted by a qualified instructor or discussion leader; and (4) cover one of the subject areas in § 11.63.

The proposed rulemaking would rescind § 11.65 as unnecessary because its provisions are either already covered by other sections or proposed to be relocated to other sections. The provisions requiring a CPE program to be in an appropriate subject area and to be taught by a qualified instructor are currently addressed in § 11.63 and § 11.71 (relating to responsibilities of CPE program sponsor), respectively. The requirement that a CPE program be at least 1 credit hour in length (that is, involve at least 50 minutes of participation) would be addressed in the proposed amendments to § 11.64. The requirement that a CPE program contribute directly to maintaining the professional competence of a licensee would be relocated to § 11.63.

§ 11.67. Reporting of CPE hours

Subsection (a) currently requires an applicant for initial issuance or biennial renewal of a license to certify on a Board-provided CPE reporting form that the applicant has satisfied the CPE requirements for licensure. The applicant is also required to state on the reporting form, for each CPE program attended, the program title, the date of attendance, the name of the program sponsor and the CPE hours claimed. Section 11.67(b) currently provides that an applicant who falsifies the information required under § 11.67(a) may be subject to disciplinary action.

The proposed rulemaking would amend the heading of this section to “reporting of CPE hours” and revise and reorganize the content of its subsections. Proposed amendments to subsection (a) would require an applicant for initial licensure to list CPE hours on a Board-provided CPE reporting form and submit the supporting CPE documentation required under § 11.68 (relating to documentation of CPE hours) as proposed to be amended. Proposed amendments to subsection (b) would require an applicant for biennial renewal of a current license or for reactivation of an expired or inactive license to provide a certification of having satisfied CPE requirements. Proposed amendments to subsection (b) would further provide that in the event a licensee is selected by the Board for an audit of CPE hours, the licensee would be required to submit a CPE reporting form that lists the CPE hours together with the CPE documentation required under the proposed amendments to § 11.68. The current text of § 11.67(b) would be relocated to new § 11.68a.

Proposed amendments to subsection (a) clarify that an applicant for initial issuance of a license is required not only list CPE hours on a CPE reporting form but also to furnish supporting documentation that the CPE hours were, in fact, completed. The requirement that an applicant for initial licensure submit supporting CPE documentation is consistent with the requirement that an applicant, as a condition of also being issued a CPA certificate, submit satisfactory documentation of having completed postsecondary education and experience requirements and passed the CPA examination.

In the proposed amendments to subsection (b), the elimination of the CPE reporting requirement for an applicant who is renewing a current license or reactivating an expired or inactive license is consistent with section 8.2(a) of the act, which, as amended by the act of July 9, 2008 (P. L. 954, No. 73), provides that a CPA or PA may not be required to provide a list of CPE hours on

a license renewal application unless directed to do so by Board regulation. The Board interprets this amendment as reflecting the General Assembly’s view that the license renewal process should not be more burdensome than is necessary for the Board to carry out its statutory functions. Proposed amendments to subsection (b) are consistent with this view and mirror the practices of other licensing boards within the Bureau that have CPE requirements. Licenses are issued to renewing applicants based on their certification of having satisfied CPE requirements. Compliance with CPE requirements is monitored through periodic random audits of a percentage of the licensee population. The Board has successfully utilized the random audit procedure for many years. During the audits, which are conducted by administrative personnel of the Bureau, licensees are required to produce satisfactory documentation of their CPE hours. Noncomplying licensees are referred to the Professional Compliance Office for consideration of disciplinary charges.

In anticipation of the proposed rulemaking, the Board suspended enforcement of § 11.67 as it applied to CPAs and PAs who applied to renew or reactivate licenses for the 2010-2011 license period that began January 1, 2010.

§ 11.68. Documentation of CPE hours

Section 11.68 currently sets forth the requirements regarding the documentation of CPE hours. Current subsection (a) provides that a licensee bears responsibility for documenting completion of CPE hours and that CPE documentation shall be retained for 5 years. Current subsection (a) further provides that the acceptable categories of documentation include the following: (1) a certificate of completion from the program sponsor; (2) course materials and attendance verification, if a certificate of completion is not available; (3) a certified transcript, with regard to a course taken for credit at an accredited college or university, or a statement signed by the instructor of hours attended, with regard to a noncredit course taken at an accredited college or university; (4) evidence relating to the licensee’s published articles, books or CPE programs; and (5) evidence obtained from the program sponsor, college or university relating to the licensee’s having served as an instructor or discussion leader. Current subsection (b) provides that a licensee shall provide the documentation specified in subsection (a) upon audit by the Board or if there is otherwise a dispute as to whether CPE hours should be awarded. A licensee who fails to provide sufficient documentation will be denied CPE credit and may be subject to disciplinary action by the Board.

The proposed rulemaking would amend the heading of this section to “documentation of CPE hours” and revise and reorganize its contents. Proposed amendments to subsection (a) would clarify, for practitioners and program sponsors alike, the types of CPE documentation that are acceptable to establish compliance with CPE requirements. The clarified requirements should help to reduce, during the CPE audit process, the need for the Board’s administrative staff to communicate with licensees over the sufficiency of CPE documentation submitted. Proposed amendments to subsection (a)(1) would require the following: a certificate of completion from a program sponsor to include the program sponsor’s name; the program sponsor’s approval number, if applicable; the title of the program; the location of the program, if a group study program, or a statement indicating whether the program is an interactive or noninteractive individual study program; the number of recommended CPE hours and the relevant CPE subject area; the name of the

licensee; and the name and signature of the program sponsor's representative. A consolidated certificate of completion, comprising multiple CPE programs from the same program sponsor, would be permitted so long as all required information is included. Proposed amendments to subsection (a)(2) would continue to require a certified academic transcript if the CPE hours claimed are in a course taken for credit at an accredited college or university. Proposed amendments to subsection (a)(3) would provide that if a certificate of completion from the program sponsor is not available for a group study program, an attendance verification form and copies of program materials may be substituted. The attendance verification form shall be signed by the participant and contain all the information in amended § 11.68(a)(1) except the name and signature of the program sponsor's representative. Proposed amendments to subsection (a)(4) would require, for CPE hours claimed as an instructor, a signed statement from the program sponsor's representative, containing the information in proposed § 11.68(a)(1), that verifies the licensee's participation as an instructor. Proposed amendments to subsection (a)(5) would require, for CPE hours claimed as an author, a copy of the article, book or other publication that the licensee authored.

Proposed amendments to subsection (b) would incorporate the requirement in current § 11.68 that a licensee retain CPE documentation for 5 years. For CPE hours claimed as an instructor or as a participant in a group study program or individual study program, the 5-year period would begin from the date of completion of the CPE program. For CPE hours claimed as an author, the 5-year period would begin from the publication date of the article, book or publication authored. The references in current § 11.68(b) to a licensee's obligation to produce acceptable documentation of CPE hours upon the request of the Board and to a licensee's being subject to disciplinary action for failure to submit acceptable documentation of CPE hours would be addressed in amended § 11.67 (relating to reporting of CPE hours) and new § 11.68a, respectively.

§ 11.68a. Disciplinary action for failure to comply with CPE requirements

The proposed rulemaking would add § 11.68a to set forth the disciplinary procedures that will be followed for enforcement of noncompliance with CPE requirements.

Subsection (a) would provide that an individual who fails to comply with CPE requirements and has not been granted an extension or waiver by the Board will be subject to disciplinary action, in the case of a first or second offense, under § 43b.10a (relating to schedule of civil penalties—accountants) or, in the case of a third or subsequent offense, under section 9.1(a)(4) and (10) of the act, which prohibits violations of Board regulations and noncompliance with CPE requirements.

Section 43b.10a sets forth a schedule of civil penalties for certain violations of the act and the Board's regulations that was initially promulgated as a statement of policy at 28 Pa.B. 5883 (November 28, 1998) by the Commissioner of Professional and Occupational Affairs, based on recommendations from the Board, under authority in section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)). The disciplinary procedures authorized by Act 48 afford individuals and entities subject to the jurisdiction of the Bureau's licensing boards and commissions a speedier resolution of charges involving relatively minor infractions than is ordinarily available to them under the license practice acts. Only two of the Board's current CPE requirements—the 20-hour rule

in § 11.62(a) (relating to CPE requirement for issuance of license; waiver or extension) and the duty to respond to a CPE audit in § 11.68(b)—are covered by the current schedule of civil penalties. At the Board's request, the Bureau Commissioner has contemporaneously submitted proposed rulemaking, published at 41 Pa.B. 4535 (August 20, 2011), that would amend § 43b.10a to include all CPE violations, except those that represent the violator's third or subsequent offenses. The Board believes that licensees who violate the same CPE requirement more than twice should be exposed to the wider range of disciplinary sanctions, such as restrictions on licensure and substantially higher civil penalties, that are permissible in disciplinary proceedings brought under section of 9.1(a)(4) and (10) of the act.

Subsection (b) would provide that an individual who knowingly provides false information on an application about compliance with CPE requirements will be subject to disciplinary action under section 9.1(a)(1)(iii) of the act, which prohibits the obtaining of a license by fraud or deceit. This section makes clear that an individual may be separately sanctioned for failing to satisfy CPE requirements and for submitting a falsified license application regarding compliance with CPE requirements. The issue of a falsified license application generally arises when it is determined, following a CPE audit, that an individual never enrolled in or attended CPE programs for which CPE hours were claimed on the license application. It has been the Board's experience that most CPE violations occur not because the claimed CPE hours were not completed, but because the CPE hours completed did not satisfy the Board's requirements.

Subsection (c) would provide that a licensee who fails to comply with CPE requirements shall satisfy any CPE deficiency within 6 months after imposition of a disciplinary sanction for noncompliance and that failure to timely satisfy the deficiency will result in the automatic suspension of the licensee's license and underlying CPA certificate or PA registration until the deficiency is satisfied. This subsection codifies a standard provision that appears in the adjudications and orders and consent agreements and orders that impose disciplinary sanctions for noncompliance with the Board's CPE requirements.

§ 11.69. Continuing education requirements: reciprocity or reentry

Section 11.69(a) currently requires an individual who applies for and obtains a CPA certificate from the Board under the domestic or foreign reciprocity provisions of the act to comply with CPE requirements. Section 11.69(b) currently requires an individual who desires to reactivate a noncurrent license to comply with CPE requirements that are applicable to the holder of a current license.

The proposed rulemaking would rescind § 11.69 as unnecessary because its content has been relocated to § 11.62.

§ 11.69a. Approval of CPE program sponsor

Section 11.69a relates to the approval of sponsors of CPE programs. Subsection (a) currently requires an individual or entity wishing to offer a program for CPE credit under the Board's regulations to apply to the Board for approval unless exempt under § 11.69a(b). Existing subsection (a) also contains provisions regarding the expiration of previously approved program sponsors on April 30, 2001, unless the program sponsors submitted qualifying applications for new approval by that date. Section 11.69a(b) currently provides that an individual or entity that is a member in good standing of NASBA's Registry of

CPE Program Sponsors is deemed to be an approved program sponsor and is not required to submit an application for approval to the Board. Section 11.69a(c) currently lists the required contents of an application for program sponsor approval, including streamlined requirements for a previously approved program sponsor that submitted an application by April 30, 2001. Section 11.69a(d) currently requires an application for program sponsor approval to be sworn to be true and correct to the best of the applicant's knowledge. Subsection (e) currently sets forth the procedures for the Board's review of an application for program sponsor approval, including shortened procedures for a previously approved program sponsor that submitted an application by April 30, 2001. Section 11.69a(f) currently provides that an approved program sponsor will be issued an approval number. Subsection (g) currently requires an approved program sponsor to renew its approval biennially, beginning January 1, 2004, and sets forth the contents of the renewal application.

The proposed rulemaking would make editorial changes to the heading and subsections of § 11.69a to add "CPE" before "program sponsor" and deleting the outdated references to previously approved program sponsors before April 30, 2001, and to the beginning of the biennial renewal requirement on January 1, 2004.

The proposed rulemaking also would expand the categories of deemed approved program sponsors in subsection (b) to include any accredited college or university. The proposed amendment will codify the Board's long-standing interpretation that an accredited college or university is exempt from program sponsor approval requirements because accreditation procedures ensure that course offerings, including noncredit courses, satisfy minimum pedagogical requirements.

The proposed rulemaking would further expand the categories of deemed approved program sponsors to include an individual or entity that is approved as a CPE program sponsor by the accountancy regulatory body of a state that permits the practice of public accounting under principles of substantial equivalency. Practice by substantial equivalency is a concept that permits licensed CPAs in states that have adopted the UAA's requirements regarding CPA education, experience and examination to practice public accounting in other states that have adopted these requirements without the need for reciprocal licenses or temporary practice permits. The revision reflects a combination of the Board's willingness to rely on the CPE regulatory schemes of other states and its commitment to fostering the cross-border practice of public accounting by licensees of states that have adopted recognized national standards for the credentialing of CPAs. Presently, all but a handful of states permit the practice of public accounting under principles of substantial equivalency. In anticipation of the proposed rulemaking, the Board advised licensed CPAs and PAs, in the notice mailed to them in February 2010, that beginning January 1, 2010, qualifying CPE hours could be earned from programs offered by program sponsors approved by accountancy regulatory bodies in states that permit the practice of public accounting under principles of substantial equivalency.

§ 11.71. *Responsibilities of CPE program sponsor*

Section 11.71 currently sets forth the responsibilities of a program sponsor in the areas of program development and level of difficulty, program prerequisites, program review and evaluation, instructor selection and review,

program facilities, disclosures to participants, attendance records, retention of program materials and certificates of completion.

The proposed rulemaking would make editorial changes to the title and provisions of § 11.71 by adding "CPE" before "program sponsor" and providing accurate cross-references to other sections. The proposed rulemaking also would clarify that the enumerated responsibilities of program sponsors are mandatory, rather than aspirational, by replacing the word "should" with "shall" in the few places where it appears in the regulation.

§ 11.71a. *Offsite review of CPE program sponsor*

Section 11.71a currently sets forth the procedure for the Board to conduct an offsite review of the activities of a program sponsor for the purpose of ensuring compliance with program sponsor requirements.

The proposed rulemaking would amend the title and provisions of § 11.71a by adding "CPE" before "program sponsor" and in place of "continuing education."

§ 11.72. *Withdrawal of approval of CPE program sponsor*

Section 11.72 currently sets forth the grounds on which the Board may withdraw the approval of a program sponsor. The proposed rulemaking would amend the title and provisions of § 11.72 by adding "CPE" before "program sponsor" and providing accurate cross-references to other sections.

Statutory Authority

Section 3(a)(10) of the act grants the Board authority to promulgate regulations regarding CPE.

Fiscal Impact

The proposed rulemaking will not increase compliance costs for CPAs and PAs because the overall number of required CPE hours remains the same while the pool of approved CPE program sponsors has been expanded.

The proposed rulemaking would likely cause the Board, its staff and the Bureau Legal Office to spend less time, and thus incur fewer costs, with regard to administering the CPE program and taking enforcement action against licensees for noncompliance. It is not possible to give a reliable estimate of the cost savings.

The proposed rulemaking will not have a fiscal impact on the general public or other agencies and political subdivisions of the Commonwealth.

Paperwork Requirements

The proposed rulemaking would lessen the overall paperwork burden on CPAs and PAs because of the streamlined procedures for reporting CPE hours. The proposed rulemaking would require some CPE program sponsors to modify their certificates of completion to include required information, but would not enlarge the volume of their paperwork.

The proposed rulemaking would require the Board to modify its applications for initial licensure, renewal of licensure and reactivation of licensure as well as its CPE reporting form.

The proposed rulemaking will not create additional paperwork for the general public or for other agencies and political subdivisions of the Commonwealth.

Effective Date

The proposed rulemaking would become effective upon final-form publication in the *Pennsylvania Bulletin* and will initially apply to the renewal of licensure for the 2012-2013 license period.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 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 the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

Public Comment

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to Cynthia K. Montgomery, Regulatory Counsel, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

MICHAEL J. MENEAR, CPA,
Chairperson

(Editor's Note: See 41 Pa.B. 4535 (August 20, 2011) for a proposed rulemaking by the Bureau of Professional and Occupational Affairs relating to this proposed rulemaking.)

Fiscal Note: 16A-5511. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 11. STATE BOARD OF ACCOUNTANCY
GENERAL PROVISIONS

§ 11.1. Definitions.

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

* * * * *

CPE—Continuing professional education.

CPE program sponsor—A party that assumes responsibility for presenting a CPE program that is structured as a group study program, interactive individual study program or noninteractive individual study program.

* * * * *

Certificate of completion—A document prepared by [the] a CPE program sponsor [which indicates that a licensee completed a continuing education program, the credit hours earned and the date and name of the program] evidencing a participant's

completion of a group study program, interactive individual study program or noninteractive individual study program.

* * * * *

[Continuing education program—A group, self-study or correspondence program for which continuing education credit is given.

Credit hour—A unit of continuing education representing 50 minutes of participation.]

* * * * *

Group study program—[An educational process] A CPE program that is designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

* * * * *

Interactive individual study program—A [continuing education] CPE program that is designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware or administrative systems that provide significant ongoing interactive feedback to the [learner] participant regarding the learning process [which issues a certificate of completion].

* * * * *

NASBA—National Association of State Boards of Accountancy.

* * * * *

Noninteractive individual study program—A [continuing education] CPE program that is designed to permit a participant to learn a given subject without interaction with an instructor or interactive learning methodologies [which issues a certificate of completion upon the participant's achieving] and requires the participant to achieve a 70% minimum grade on a written examination or workbook.

* * * * *

[Professor—An instructor who teaches courses in continuing education subject areas at an accredited university or college.

Program sponsor—A party who has assumed the responsibility for presenting continuing education programs.]

* * * * *

CONTINUING PROFESSIONAL EDUCATION

§ 11.61. Scope.

[Applicants for a biennial permit to engage in public practice under section 8.2 of the act (63 P. S. § 9.8b) shall comply with this section and §§ 11.62—11.65 and 11.67—11.69 and 11.71.] Sections 11.62—11.64, 11.67—11.68a, 11.69a, 11.71 and 11.71a apply, as appropriate, to the following:

- (1) An individual who needs CPE to obtain or maintain a license to practice public accounting.
(2) An individual that serves or desires to serve as a CPE program sponsor.
(3) An entity that serves or desires to serve as a CPE program sponsor.

§ 11.62. [Credit-hour requirements] CPE requirement for issuance of license; waiver or extension.

(a) [To renew a license, an applicant shall complete, during the preceding biennial period, 80 credit hours of continuing education.

(1) The 80 credit hours shall include at least 16 credit hours of accounting and auditing subjects and 8 credit hours of tax subjects.

(2) A minimum of 20 credit hours shall be taken each year.

(3) The minimum measurement of continuing education credit is a whole credit hour.

(4) Preparation time will not be credited except as permitted in § 11.64(7)(i) (relating to sources of continuing education credit).

(b) The Board may upon application modify the continuing education requirements on an individual basis under circumstances specified in section 8.2(c) and (d) of the act (63 P. S. § 9.8b(c) and (d)).

(c) Failure to meet biennial continuing education requirements may subject the holder of a current license to disciplinary action under section 9.1 of the act (63 P. S. § 9.9a(10)).

(d) An applicant, upon successful completion of the uniform C.P.A. Examination, shall be exempt from the requirements of subsection (a) for only the biennial period during which the applicant successfully completed the examination.]

A regular or reciprocal applicant for an initial license shall have completed 80 CPE hours, in the subject areas in § 11.63 (relating to CPE subject areas; relevance to professional competence), during the 2-year period preceding the filing date of the application. This requirement does not apply to an applicant who passed the CPA examination during the 2-year period preceding the filing date of the application.

(b) An applicant for renewal of a current license shall have completed 80 CPE hours, in the subject areas in § 11.63, during the 2-year period preceding the start of the next license period. An applicant shall have completed a minimum of 20 CPE hours during each year of the 2-year period.

(c) An applicant for reactivation of an expired or inactive license shall have completed 80 CPE hours, in the subject areas in § 11.63, during the 2-year period preceding the filing date of the application. This requirement does not apply to an applicant who is reactivating a license that still has a current expiration date.

(d) The Board may, upon application, waive in whole or in part a CPE requirement upon a showing of individual hardship for reasons such as health, military service or other good cause. The Board, upon application, may extend the time period for completing CPE upon a showing that the failure to timely comply was due to reasonable cause.

§ 11.63. [Continuing education] CPE subject areas; relevance to professional competence.

[The following subject areas are acceptable for continuing education:]

(a) The CPE hours required under § 11.62 (relating to CPE requirement for issuance of license; waiver or extension) must be in the following subject areas and with the following minimum hours as noted:

(1) Accounting and [auditing] attest—minimum of 16 CPE hours.

(2) Advisory services—no minimum.

(3) Management—no minimum.

(4) Professional skills development—no minimum.

(5) Specialized knowledge and applications—no minimum. The Board will accept CPE hours in specialized knowledge and applications until January 1, 2012.

(6) Taxation—minimum of 8 CPE hours.

(7) Professional ethics—minimum of 4 CPE hours (effective as a condition of obtaining a license for the 2014-2015 license period and thereafter).

(b) The CPE hours required under § 11.62 must be relevant to maintaining the professional competence of a certified public accountant or public accountant.

§ 11.64. Sources of [continuing education credit] CPE hours.

[The following continuing education programs will be given 1 credit hour of continuing education credit for each 50-minutes of participation if they are in the subject areas in § 11.63 (relating to continuing education subject areas) and, beginning May 1, 2001, they are offered by approved program sponsors under § 11.69a (relating to approval of program sponsors):

(1) *Continuing education programs of National or State accounting organizations.*

(2) *University or college courses.*

(i) *Credit courses.* Applicants will receive 15 credit hours of continuing education credit for each semester credit hour earned and 10 credit hours for each quarter credit hour earned.

(ii) *Noncredit courses.* Applicants will be given 1 credit hour of continuing education credit for each 50 minutes of in-class participation.

(3) *In-house educational programs.*

(4) *Individual study programs.*

(i) Noninteractive individual study programs shall be given credit based upon 1/2 the average completion time calculated by the sponsor. The Board will make a final determination based upon the recommendation of the program sponsor.

(ii) Interactive individual study programs will be given 1 credit hour of continuing education credit for each 50 minutes of participation.

(iii) Credit for individual study programs will only be given in the renewal period in which the certificate of completion is dated.

(iv) Maximum continuing education credit per biennium will be 50% of the biennial requirement.

(5) *Programs offered by other qualified organizations.* The number of credits will be based upon the nature of the program being offered and which of the categories in paragraphs (1)—(4) it most closely fits.

(6) *Committee meetings.* Credit will be given if the meeting is structured as a continuing education program.

(7) *Service as a lecturer, discussion leader, speaker or professor.* Continuing education credit will be awarded for each 50-minute period if the discussion is one which meets the continuing subject area requirements of § 11.63.

(i) Two additional credit hours will be awarded as preparation time for each credit hour of instruction.

(ii) Credit will not be awarded for subsequent sessions unless in a subsequent session the subject matter has substantially changed.

(iii) The maximum continuing education credit will be 50% of the biennial requirement.

(iv) A professor will be awarded credit for teaching undergraduate courses in auditing, intermediate accounting, cost accounting, income taxation and advanced accounting, and all graduate courses to the extent that the course contributes to the student's professional competence and the professor has not previously claimed credit for the courses or unless the professor can demonstrate that there was a substantial change in the subject matter. Entry level accounting courses are excluded from eligibility for continuing professional education credit.

(8) *Publications, articles, books and continuing professional education courses.* Credit may be claimed by the author of the work if the work contributes to the professional competence of a licensee.

(i) Credit will be given for each 50-minute period of preparation time on a self-declaration basis up to 25% of the biennial requirement. A copy of the publication shall be submitted to the Board with the biennial renewal application.

(ii) In exceptional circumstances, an applicant may request additional credit by submitting a copy of the publication to the Board with an explanation of the circumstances which the applicant believes justifies an award of greater credit. Credit hours awarded will be determined by the Board on a case-by-case basis based upon the complexity of subject matter.

(iii) The maximum credit for publications may not exceed 50% of the continuing education requirement for any biennium.]

The following are the acceptable sources of CPE hours:

(1) *Group study programs offered by approved CPE program sponsors under § 11.69a (relating to approval of CPE program sponsor).*

(i) Except as provided in subparagraph (ii), a participant will receive 1 CPE hour for each 50 minutes of participation.

(ii) A participant in a credit course offered by an accredited college or university will receive 15 CPE hours for each semester credit hour earned and 10 CPE hours for each quarter credit hour earned.

(iii) A participant will not receive CPE credit for less than 50 minutes of participation.

(2) *Individual study programs offered by approved CPE program sponsors under § 11.69a.*

(i) A participant in a noninteractive individual study program will receive 1 CPE hour for each 100 minutes of participation. A participant will not receive CPE credit for less than 100 minutes of participation.

(ii) A participant in an interactive individual study program will receive 1 CPE hour for each 50 minutes of participation. A participant will not receive CPE credit for less than 50 minutes of participation.

(iii) An individual study program is considered complete on the date the program sponsor issues a certificate of completion.

(iv) A participant may receive up to 40 CPE hours in individual study programs during each reporting period.

(3) *Service as an instructor during group study programs offered by approved CPE program sponsors under § 11.69a.*

(i) A participant will receive 3 CPE hours, including 2 hours of preparation time, for each 50 minutes of instruction in a group study program. A participant will not receive CPE credit for less than 50 minutes of instruction.

(ii) A participant will not receive CPE credit for repeating instruction in the same program during the same reporting period.

(iii) A participant may receive up to 40 CPE hours as an instructor during each reporting period.

(4) *Authorship of articles, books and other publications relevant to maintaining professional competence (until January 1, 2012).*

(i) An individual who authors an article, book or other publication that is relevant to maintaining the professional competence of a certified public accountant or public accountant will receive 1 CPE hour for each 50 minutes of research and writing, up to 20 hours, unless the individual can demonstrate to the Board that the complexity of the subject matter merits the awarding of additional CPE hours. An individual will not receive CPE credit for less than 50 minutes of research and writing.

(ii) An individual may receive up to 40 CPE hours for authorship of all publications combined during each reporting period.

(iii) CPE hours will be awarded for the year in which publication occurs. CPE hours will not be awarded for publication that occurs on or after January 1, 2012.

§ 11.65. [Criteria for continuing education programs] (Reserved).

[To qualify as a continuing education program, a program shall:

(1) Be a program of learning which contributes directly to the maintenance of professional competence of a certified public accountant or public accountant.

(2) Be at least 1 credit hour in length.

(3) Be conducted by a qualified instructor or discussion leader.

(4) Offer subject matter enumerated in § 11.63 (relating to continuing education subject matter).]

§ 11.67. Reporting of [continuing education credit] CPE hours.

(a) [An applicant for a license or license renewal shall provide the following information on Board-provided forms:

- (1) The dates attended.
- (2) The credit hours claimed.
- (3) The title of the course.
- (4) The program sponsor.

(5) A statement certifying that continuing education requirements have been met.

(b) Falsification of information required under subsection (a) may result in disciplinary action.]

An applicant for an initial license shall submit a summary report of CPE hours on a form provided by the Board together with the CPE documentation required under § 11.68 (relating to documentation of CPE hours).

(b) An applicant for renewal of a current license or for reactivation of an expired or inactive license shall certify on the application that the applicant has completed the requirements in §§ 11.62—11.64 (relating to CPE requirement for issuance of license; waiver or extension; CPE subject areas; relevance to professional competence; and sources of CPE hours). In the event a licensee is later selected by the Board for an audit of CPE hours, the licensee shall submit a summary report of CPE hours on a form provided by the Board together with the CPE documentation required under § 11.68.

§ 11.68. [Retention of continuing education records] Documentation of CPE hours.

(a) [Responsibility for documenting the continuing education requirements rests with the applicant, and evidence to support fulfillment of those requirements shall be maintained for 5 years after the completion of educational courses. Documentation consists of:

(1) Certificate of completion from the program sponsor.

(2) Course material and attendance verification if no certificate of completion is available.

(3) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(4) Evidence of publication for published articles, books or continuing professional education programs.

(5) Evidence obtained from the sponsor or university or college of having been an instructor or discussion leader at a program or course.

(b) If there is a dispute concerning whether credit should be granted for a continuing education program, or upon audit, the applicant shall provide a copy of the documentation required in subsection

(a). The dispute will be resolved against the applicant if the applicant fails to produce evidence sufficient to document the claim and may result in disciplinary or corrective action being taken by the Board.]

The following are acceptable forms of documentation of CPE hours:

(1) A certificate of completion issued by the CPE program sponsor. A consolidated certificate of completion for multiple CPE programs from the same CPE program sponsor is acceptable as long as it includes the information in subparagraphs (i)—(vii). The certificate must set forth the following:

(i) The CPE program sponsor's name.

(ii) The CPE program sponsor's approval number issued by the Board, NASBA or another state's accountancy regulatory body, as applicable.

(iii) The title of the program.

(iv) The location of the program, if a group study program, or a statement indicating whether the program is an interactive or noninteractive individual study program.

(v) The recommended CPE hours and relevant CPE subject area (for example, accounting and attest, taxation or professional ethics).

(vi) The name of the participant.

(vii) The name and signature of the CPE program sponsor's representative.

(2) A certified academic transcript from an accredited college or university if the CPE hours claimed are in a course taken for credit at the college or university.

(3) If a certificate of completion from the CPE program sponsor is not available for a group study program, a participant may submit an attendance verification form, signed by the participant and containing the information in paragraph (1)(i)—(vi) together with copies of the program materials.

(4) A signed statement from the CPE program sponsor's representative containing the information in paragraph (1)(i)—(vi) that verifies the participant's service as an instructor.

(5) A copy of each article, book or other publication for which an individual claims CPE hours as an author.

(b) An individual shall retain the documentation in subsection (a) for 5 years after the date of completion of each CPE program or the date of publication of each article, book or publication authored.

§ 11.68a. Disciplinary action for failure to comply with CPE requirements.

(a) Unless granted an extension or waiver by the Board under § 11.62(d) (relating to CPE requirement for issuance of license; waiver or extension), and except as provided in subsection (b), a licensee who fails to comply with §§ 11.62—11.64, 11.67 and 11.68 will be subject to disciplinary action in the case of a first or second offense under § 43b.10a (relating to schedule of civil penalties—accountants) or in the case of a third or subsequent offense under section 9.1(a)(4) and (10) of the act (63 P. S. § 9.9a(a)(4) and (10)).

(b) A licensee who knowingly provides false information on an application about compliance with CPE requirements will be subject to disciplinary action under section 9.1(a)(1)(iii) of the act.

(c) A licensee who is disciplined for failure to comply with CPE requirements shall make up a deficiency in CPE hours and submit documentation of the fact to the Board within 6 months after imposition of the disciplinary sanction. A licensee who fails to submit documentation of make-up CPE hours by the prescribed deadline will undergo suspension of the licensee's license and underlying certificate of certified public accountant or public accountant registration until the documentation is submitted.

§ 11.69. [Continuing education requirements: reciprocity or reentry] (Reserved).

[(a) An individual who holds a valid certificate of certified public accountant issued by another state or a comparable certificate of degree issued by a foreign country and who receives a certificate to practice in this Commonwealth under the appropriate provision of the act will be required to comply with the continuing education requirements applicable to other applicants.

(b) Persons who wish to return to active practice in this Commonwealth by obtaining a current license shall meet the same continuing education requirements applicable to other applicants for the biennial period in which they wish to enter.]

§ 11.69a. Approval of CPE program sponsor.

(a) *Approval requirement.* Except as provided in subsection (b), any individual or entity desiring to offer a program for [continuing education] CPE credit under this chapter shall apply to the Board for approval as a CPE program sponsor. [The approval of a previously approved program sponsor will expire April 30, 2001, unless the program sponsor submits a qualifying application under subsection (c) that is postmarked by April 30, 2001. The Board will not deny course credit to any licensee who completes a program from a program sponsor that submitted a qualifying application by April 30, 2001, and is awaiting approval of its application.]

(b) *Exemption from approval process.* [An individual or entity that is a member in good standing of the National Association of State Boards of Accountancy's National Registry of Continuing Professional Education Sponsors is deemed an approved program sponsor and is not required to submit an application for approval to the Board.] The following are deemed approved CPE program sponsors and are not required to submit applications for approval to the Board:

- (1) An individual and entity that is a member in good standing of NASBA's National Registry of CPE Program Sponsors.
- (2) An individual or entity that is approved as a CPE program sponsor by the accountancy regulatory body of a state that permits the practice of public accounting under principles of substantial equivalency.
- (3) An accredited college or university.

(c) *Contents of application for approval.* An application for approval as a CPE program sponsor shall contain the following information[, except that an application from a previously approved program sponsor that is postmarked by April 30, 2001, need only contain the information in paragraphs (1)—(3)]:

- (1) The name and address of the CPE program sponsor.
- (2) The [title and source of continuing education credit] sources of CPE hours as specified in § 11.64 (relating to sources of [continuing education credit] CPE hours).

* * * * *

(e) *Board review of application for approval.* [Except for an application from a previously approved program sponsor that is postmarked by April 30, 2001, an] An application will be reviewed by the Board's [Continuing Education] CPE Committee, which will make recommendations to the Board for approval or disapproval. If an application is disapproved, the Board will provide the applicant with written notification of its reasons for disapproval. An applicant may submit a revised application to address the Board's concerns. No Board member will review or vote upon an application in which he has a vested interest.

(f) *Approval number.* Upon approval by the Board, an applicant will be assigned a CPE program sponsor approval number.

(g) *Biennial renewal of approval.* An approved CPE program sponsor shall renew its approval by January 1 of each even-numbered year[, beginning with January 1, 2004]. A renewal application shall list the CPE program sponsor's planned program offerings for the upcoming renewal period.

§ 11.71. Responsibilities of CPE program sponsor.

In addition to meeting the requirements in § 11.69a (relating to approval of CPE program sponsor), a CPE program sponsor shall comply with the following:

(1) *Program level of difficulty.* A CPE program sponsor shall specify the level of knowledge to be imparted under the program. The levels of knowledge may be expressed in a variety of ways, all of which should be informative to potential participants. For example, a program may be described as having the objective of imparting technical knowledge at levels such as basic, intermediate, advanced or overview, which might be defined as follows:

* * * * *

(2) *Recommendation of education and experience prerequisites.* A CPE program sponsor shall clearly identify what prerequisites are suggested for enrollment. If [no] a prerequisite is not necessary, a statement to that effect [should] shall be made. Prerequisites [should] shall be specified in precise language so potential participants can readily ascertain whether the program would be beneficial to them or whether the program is above or below their level of knowledge or skill.

(3) *Development of the program.* A CPE program sponsor shall ensure that programs are developed by individuals qualified in the subject matter and in instructional design. This subsection is not intended to require that any individual CPE program sponsor be both technically competent and competent in instructional design. Its

purpose is to ensure that both types of competency are represented in the program's development, whether one or more persons are involved in that development. Mastery of the technical knowledge or skill in instructional design may be demonstrated by appropriate experience or educational credentials.

(4) *Program review.* A CPE program sponsor shall review the course materials annually to ensure that they are accurate and consistent with currently accepted standards relating to the program's subject matter. Between these reviews, errata sheets should be issued when appropriate, and obsolete material should be deleted. Between the time a new pronouncement is issued and the issuance of errata sheets or removal of obsolete materials, the instructor is responsible for informing participants of changes. If, for example, a new accounting standard is issued, a program will not be considered current unless the ramifications of the new standard have been incorporated into the materials or the instructor appropriately informs the participants of the new standard.

(5) *Disclosure [of] to prospective participants.* A CPE program sponsor shall disclose in advance to prospective participants the objectives, prerequisites, experience level, content, required advanced preparation, teaching method and number of [continuing education credits] CPE hours involved in the program.

(6) *Selection and review of instructors.* A CPE program sponsor shall select and assign qualified instructors for the [continuing education] CPE program. A CPE program sponsor [should] shall evaluate the performance of instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors in the future.

(7) *Number of participants and adequacy of physical facilities.* A CPE program sponsor shall ensure that the number of participants and the physical facilities are consistent with the teaching methods to be utilized. Because the learning environment is affected by the number of participants and by the quality of physical facilities, a CPE program sponsor has an obligation to pay serious attention to both of these factors. The maximum number of participants for a case-oriented discussion program, for example, [should] shall be [considerably] less than for a lecture program. The seating arrangement is also very important. For discussion presentation, learning is enhanced as seating is arranged so that participants can easily see and converse with each other. If small group sessions are an integral part of the program format, appropriate facilities [should] shall be made available to encourage communication with a small group.

(8) *Program evaluation.* A CPE program sponsor shall provide a program evaluation in accordance with the following:

(i) Evaluations shall be solicited from both the participants and instructors. The objective of evaluations is to encourage the CPE program sponsor to strive for increased program effectiveness. Programs should be evaluated to determine whether:

* * * * *

(ii) Evaluations may take the form of pretests for advanced preparation, posttests for effectiveness of the program, questionnaires completed at the end of the program or later[,] and oral feedback to the instructor

or CPE program sponsor[, and so forth]. Instructors [should] shall be informed of their performance, and the CPE program sponsor [should] shall systematically review the evaluation process to ensure its effectiveness.

(9) *Attendance records.* A CPE program sponsor shall maintain and retain accurate records of attendance for a 5-year period.

(10) *Course materials.* A CPE program sponsor shall retain a written outline of course materials for a 5-year period.

(11) *Certificate of completion.* A CPE program sponsor shall provide [participants with] a certificate of completion [evidencing satisfactory completion and attendance of the program] to each participant who satisfactorily completes a program. A certificate of completion must contain the information in § 11.68(a)(1) (relating to documentation of CPE hours).

(12) *Promotional materials.* A CPE program sponsor shall identify the subject area[—see] of a program under § 11.63 (relating to [continuing education] CPE subject areas; relevance to professional competence)[—of the program] in the program's promotional materials.

§ 11.71a. Offsite review of CPE program sponsor.

A CPE program sponsor shall be subject to an offsite review of its [continuing education] CPE programs to ensure compliance with this chapter. The review will involve an in-depth audit of all course materials, documents and records maintained by the CPE program sponsor under this chapter, including:

(1) The information in § 11.69a(c) (relating to approval of CPE program sponsor).

* * * * *

§ 11.72. Withdrawal of approval of CPE program sponsor.

(a) The Board, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), may withdraw the approval of a CPE program sponsor that the Board finds guilty of:

* * * * *

(2) Failing to comply with [§§ 11.65,] § 11.69a or § 11.71 (relating to [criteria for continuing education programs;] approval of CPE program sponsor; and responsibilities of CPE program sponsor).

(3) Refusing to provide information requested by the Board pursuant to an offsite review under § 11.71a (relating to offsite review of CPE program sponsor).

(4) Indicating in any manner that it has been approved as a CPE program sponsor prior to a CPE program sponsor approval number having been issued to it.

(b) The Board's withdrawal of a CPE program sponsor's approval will not affect the [credit] CPE hours earned by persons who completed programs of the sponsor prior to the withdrawal of its approval.

[Pa.B. Doc. No. 11-1430. Filed for public inspection August 19, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2011

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2011, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of

residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.48 to which was added 2.50 percentage points for a total of 5.98 that by law is rounded off to the nearest quarter at 6%.

GLENN E. MOYER,
Secretary

[Pa. B. Doc. No. 11-1431. Filed for public inspection August 19, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0084581 (IW)	New Holland Borough Authority 436 East Main Street New Holland, PA 17557	Lancaster County / New Holland Borough	UNT Mill Creek / 7J	Y

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

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

PA0060089, Sewage, SIC Code 4952, **Middle Smithfield Township**, 25 Municipal Drive, East Stroudsburg, PA 18302-9710. Facility Name: Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe County**.

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

The receiving stream, Bush Kill, is located in State Water Plan watershed 01D and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅	205	330	XXX	25	40	50
Total Suspended Solids	250	375	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	75	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 570-826-5472.

The EPA Waiver is not in effect.

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

PA0024384 A-2, Sewage, SIC Code 4952, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. Facility Name: North Middleton Authority WWTP. This existing facility is located in North Middleton Township, **Cumberland County**.

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

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.

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0247570, Sewage, SIC Code 4952, **Fredericksburg Sewer & Water Authority Lebanon County**, PO Box 161, Fredericksburg, PA 17026-0161. Facility Name: Fredericksburg Authority Camp Strauss Monroe Valley. This existing facility is located in Swatara Township, **Lebanon 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), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅		33				
	20	Wkly Avg	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		37				
	25	Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 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.

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

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

WQM Permit No. 2292407, Amendment 11-1, Sewerage, **Lykens Borough Authority**, 200 Main Street, Suite C, Lykens, PA 17048.

This proposed facility is located in Lykens Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of upgrades to their existing plant.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Unites</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Snider Swine Operation Tyler Snider 22357 Mountain Foot Road Neelyton, PA 17239	Huntingdon	80.5 acres owned for manure application	359.55 AEU's 4.47 AEU's/ac	Swine Beef	NA	New

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 con-

tamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Compton Property (Compton Farm), 4662 Route 590/Hamlin Highway, Jefferson Township, **Lackawanna County**. Robert M. Byer, Jr., Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of his client, Forrest Compton, 143 Pumphouse Road, Lake Ariel, PA 18436), concerning the remediation of soil found to have been impacted by a petroleum product as a result of a release from an unregulated farm 1,000-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Agouridis MHP, Lot #4, 454 West Main Street, Lot No. 4, Mount Joy, PA, 17552, Mount Joy Borough, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Nick Agouridis, 160 Stanley Avenue, Landisville, PA 17538, 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. Future use of the site is for residential purposes.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGM034D002. PPL Renewable Energy, LLC., Two North Ninth St, Allentown, PA 18101.

The Department of Environmental Protection, Bureau of Waste Management has received an application for a determination of applicability (DOA) under the General Permit # WMGM034. The general permit WMGM-034D002E is for the processing and beneficial use of landfill gas (LFG), generated at the **Lycoming County Resource Management Services (LCRMS)—Lycoming County Landfill**, as an alternate fuel for up to four (4) power generators to be installed at this landfill. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department determined the DOA application to be administratively complete on August 05, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bu-

reau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 301254. Clean Earth of Southeast Pennsylvania LLC, 7 Steel Road East, Morrisville, Pa 19067. This application is for permit reissuance of the residual waste processing facility due to a name change from Clean Earth of Southeast Pennsylvania, Inc. to Clean Earth of Southeast Pennsylvania, LLC. The Clean Earth of Southeast Pennsylvania, LLC Facility is located at 7 Steel Road East, Morrisville, Pa 19067 in Falls Township, **Bucks County**. No changes in operating plan, waste quantities, waste type, or hours of operation are proposed. The application was received by the Southeast Regional Office on June 28, 2011.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

AMS 11164: Aramark Tower (1101 Market Street, Philadelphia, PA 19107) on August 4, 2011, to install two (2) each 10.46 MMBTU/hr and one (1) 1.67 MMBTU/hr Cleaver Brooks Boilers firing #2 fuel oil and natural gas, and one (1) 700 Kilowatt (KW), Detroit Diesel emergency generator firing #2 fuel oil in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 19.8 tons of Nitrogen Oxides (NO_x) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 11006: Southeastern Pennsylvania Transportation Authority—Callowhill Bus Facility (59th and Callowhill Streets, Philadelphia, PA 19149) on August 4, 2011, to install the following: three (3) boilers, each rated at 4.8 MMBtu/hr or less and firing natural gas or #2 fuel oil; one (1) 0.6 MMBtu/hr pressure washer firing natural gas; nine (9) 0.83 MMBTU/hr rooftop heaters firing natural gas; one (1) thermal oxidizer for soil remediation; activated carbon units for soil remediation; two (2) parts washer/degreasers; and one (1) 200 kilowatt emergency generator firing natural gas in the City of Philadelphia, **Philadelphia County**. After the installation, there will be a potential emission increase of the following pollutants: 13.0 tpy of NO_x; 1.1 tpy of VOC, and 1.1 tpy of PM, 7.0 tpy of CO, and 9.8 tpy of SO_x. The Plan Approval will contain operating, monitoring, testing, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 11034: Southeastern Pennsylvania Transportation Authority—Elmwood Trolley Shop (7311 Elmwood Avenue, Philadelphia, PA 19142) on August 4, 2011, to install two (2) 3.08 MMBtu/hr boilers firing natural gas or #2 fuel oil, one (1) 0.44 MMBtu/hr pressure washer firing natural gas, two (2) 0.350 MMBtu/hr portable space heaters firing kerosene, and one (1) parts washer/degreaser in the City of Philadelphia, **Philadelphia County**. After the installation, there will be a potential emission increase of the following pollutants: 5.1 tpy of NO_x; 0.6 tpy of PM, 2.6 tpy of CO, and 6.3 tpy of SO_x. The Plan Approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

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

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

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

09-00068: Orchard Hill Memorial Park, Inc.—d/b/a Abbey Glen Pet Memorial Services (80 Kelly Road, Quakertown, PA 18951) for renewal of a State Only Operating Permit in Richland Township, **Bucks County**, (“SOOP”) No. 09-00068. The facility’s air emissions sources consist of four animal crematoriums, one of which was installed in 2006 under General Plan Approval and General Permit (GP-14) No. 09-301-124GP. This is the only change that has occurred at the facility since the SOOP was issued in 2005.

The potential to emit nitrogen oxides (“NO_x”) from the animal crematory units/facility exceeds 25 tons per year; however, Orchard Hill Memorial Park, Inc., has elected to restrict the hours of operation for the animal crematoriums such that the NO_x emissions from the facility will not exceed 21.9 tons per year.

The SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

11-00527: Phoenix Services, LLC (1717 West Doe Run Road, Unionville, PA 19375) for operation of a slag processing and handling facility at their Johnstown Slag Preparation Facility in Franklin Borough, **Cambria County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit to Phoenix Services to authorize the operation of a slag processing and handling facility at the Johnstown Slag Preparation Facility located in Franklin Borough, Cambria County. Sources at this facility include front end loaders, vibrating grizzly feeder, jaw crusher, screens, conveyors, stackers, stockpiles, and roadways. Emissions from this site will not exceed 10 tons of particulate matter per year. The slag typically contain Moisture testing of the slag pile has indicated an 11.5% moisture content, so dust should be minimal. Fugitive emissions from this site are controlled through the use of water sprays; pressurized water truck; and road sweeper. Operating Permit contains conditions relating to monitoring, recordkeeping and work practice standards.

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 Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (11-00527).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

04-00483: Quality Beams Inc. (119 A.I.D. Drive, Darlington, PA 16115) for operation of hardwood veneer and plywood manufacturing at Interforest Corp Darlington Plant in Darlington Township, **Beaver County**. This is a State Only Operating Permit Renewal Submittal.

32-00335: Superior Well Services SVC (1380 Route 286, Highway East, Suite 121, Indiana, PA 15701) for operation of oil and gas field services at the Black Lick Plant in Black Lick Township, **Indiana County**.

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

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

37-00304: Heraeus Electro-Nite Co. (3 Fountain Avenue, Ellwood City, PA 16117) to issue a renewal State Only Operating Permit for their facility in the Borough of Ellwood City, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include skiving machines, a shell core mold machine, and curing ovens. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00226: SM Energy Co. (7060 S. Yale, Suite 800, Tulsa, OK 74136) to issue a new State Only Operating Permit for the Potato Creek 2H Compressor Station located in the Norwich Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include a natural gas-fired compressor and a dehydration unit. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00185: Heath Oil, Inc. (5609, State Road, Route 8, RD#1, Harrisville, PA 16038) for a renewal of the Natural Minor Operating Permit to operate a petroleum product storage and distribution facility in Barkeyville Borough, **Venango County**. The emitting sources included 1) Large and small oil heaters, 2) Internal floating roof tanks, 3) Fugitives from equipment leaks, 4) Two distillation columns, 5) Petroleum recovery system and 6) Tank wagon loading rack. The emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor. The facility is subject to 40 CFR Part 63, Subpart CCCCCC pertaining to the National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities.

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

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

S10-016: Falls Center—Ironstone (3300 Henry Avenue, Philadelphia, PA 19129) for the operation of a medical facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: six (6) 114 horsepower boiler, each firing natural gas; two (2) boilers, each firing natural gas and each rated less than 1MMBtu/hr; and three (3) diesel emergency generators, each rated at 600 kilowatt or less.

The operating permit will be reissued under the 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.

S09-021: Solis Health Care—Roxborough Memorial Hospital (5800 Ridge Avenue, Philadelphia, PA 19128) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: three (3) boilers each rated between 16.3-17 MMBTU/hr and firing natural gas or No. 2 fuel oil; and three (3) diesel emergency generators each rated between 100-402 horsepower.

The operating permit will be reissued under the 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

40-313-048: First Quality Nonwovens, Inc. (101 Green Mountain Road, Humboldt Industrial Park, Hazleton, PA 18202) for installation of new fume filtration systems at their facility in Hazle Township, **Luzerne County** and East Union Township, Schuylkill 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 First Quality Nonwovens, Inc. (101 Green Mountain Road, Humboldt Industrial Park, Hazleton, PA 18202) for

their facility located in Hazle Twp., Luzerne County and East Union Twp., Schuylkill County. This Plan Approval No. 40-313-048 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-313-048 is for the installation of new fume filtration systems at their facility. VOC emissions from the plant will not exceed 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grains/dscf from each extruder stack. The company shall be subject to and comply with 25 PA Code 123.31 for malodorous emissions. The company shall be subject to and comply with 25 PA Code 123.41 for Visible 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 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.: 40-313-048.

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.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of

requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

Coal Applications Received

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

30080701 and NPDES No. PA0235806, Consol Pennsylvania Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 5 and No. 6 in Richhill Township, **Greene County** to add acreage for a coarse coal refuse disposal area and change the operation name from Bailey Central Mine Complex Coal Refuse Disposal Area No. 5. A new NPDES discharge point will be added. Application also includes a request for Section 401 Water Quality Certification. Coal Refuse Disposal Support Acres Proposed 38.6, Coal Refuse Disposal Acres Proposed 73.0. Receiving stream: Unnamed Tributary to Owens Run, classified for the following use: WWF. Application received: January 4, 2010.

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

32110105 and NPDES No. PA0263311, Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface and auger mine in Brushvalley Township, **Indiana County**, affecting 32.1 acres. Receiving stream(s): unnamed tributaries to/and Brush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2011.

32110106 and NPDES No. PA0263320. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 67.1 acres. Receiving stream(s): UTS to Blacklick Creek to the Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2011.

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

30960101 and NPDES Permit No. PA0201626. C. J. & L. Coal (P. O. Box 133, Jefferson, PA 15344). Renewal application for continued mining to an existing bituminous surface mine, located in Morgan Township, **Greene County**, affecting 136 acres. Receiving streams: unnamed tributary to South Fork of Ten Mile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 22, 2011.

26960101 and NPDES Permit No. PA0201600. Daniel J. Patterson (20 Elizabeth Drive, Smithfield, PA 15478). Renewal application for reclamation only of an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: unnamed tributary to York Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 2, 2011.

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

16060104. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Monroe Township, **Clarion County** affecting 16.0 acres. Receiving streams: Three unnamed tributaries to Piney Creek and Piney Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: July 29, 2011.

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

17990102 and NPDES No. PA0238236. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface and auger mining operation located in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream: Laurel Run classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 3, 2011.

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

54070201C and NPDES Permit No. PA0225037. Whitey Wash Enterprises, (P. O. Box 47, Ashland, PA 17921), correction to an existing anthracite coal refuse reprocessing operation to include surface mining, blasting and an NPDES Permit for discharge of treated mine drainage in Reilly Township, **Schuylkill County** affecting 56.2 acres, receiving stream: Muddy Branch, classified for the following use: cold water fishes. Application received: July 28, 2011.

Noncoal Applications Received

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

03860401 and NPDES Permit No. PA0588024. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal application for reclamation only of an existing large noncoal surface mine, located in South Bend Township, **Armstrong County**, affecting 160 acres. Receiving stream: Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 1, 2011.

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

53110301 and NPDES No. PA0257788. Jerome Eckert, DBA North Penn Supply, (269 Route 6 West, Galeton, PA 16922). Commencement, operation and restoration of a large industrial mineral permit (bluestone) located in Sweden Township, **Potter County** affecting 18.0 acres. Receiving stream: Mill Creek classified for high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 18, 2011.

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

6575SM4C7 and NPDES Permit No. PA0611964. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Eldred & Ross Townships, **Monroe County**, receiving stream: Buckwa and Aquashicola Creek, classified for the following uses: cold water fishes and HQ-cold water fishes. Application received: July 29, 2011.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges

associated with underground mining are noted in the permit description.

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0249793 (Mining permit no. 56050105), Svonavec, Inc., 150 West Union Street, Somerset, PA 15501, revised NPDES permit for surface and auger mining in Milford Township, **Somerset County**, affecting 288.3 acres. Receiving stream(s): Unnamed Tributaries to South Glade Creek and Unnamed Tributaries Middle Creek, classified for the following use(s): warm water fishery (South Glade Creek) and trout

stocked fishery (Middle Creek). These receiving streams are included in the Casselman River TMDL. Application received: May 31, 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 South Glade Creek (005 & 006)

Unnamed Tributaries to Middle Creek (007 & 008)

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005, 006, 007, 008	No

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			

The outfall(s) listed below discharge to:

Unnamed Tributaries to South Glade Creek (001 & 004)

Unnamed Tributaries to Middle Creek (002, 003, 005, 006, 007, 008 & 009)

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002, 003, 004	N
005, 006, 007, 008, 009	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			

NPDES No. PA0249980 (Mining permit no. 4173SM6), Shade Mining Company, P. O. Box 130, Friedens, PA 15541, renewal of an NPDES permit for discharge of treated water from post-mining discharges in Paint and Shade Townships, **Somerset County**, affecting 341.0 acres. Receiving stream(s): Unnamed Tributary to Shade Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River Watershed TMDL. Application received: May 23, 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 Tributary to Shade Creek

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

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

<i>Outfalls: 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			

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

NPDES No. PA0211508 (Permit No. 33930102). Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface and auger mine in Oliver Township, **Jefferson County**, affecting 120.3 acres. Receiving streams: Unnamed tributary to Little Sandy Creek, classified for the following uses: CWF. The TMDL is Redbank Creek. Application received: May 2, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to an unnamed tributary to Little Sandy Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP-2	N
TP-3	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>
pH1 (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

The outfall(s) listed below discharge to an unnamed tributary to Little Sandy Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N
D	N

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E21-420: David and Holly Wood, Five Orange Street, Mount Holly Springs, PA 17065-1722, in the Borough of Mount Holly Springs, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 45.0-foot by 26.0-foot building addition to an existing home located in the floodway of Mountain Creek (TSF-MF). The project is located on the southeast quadrant of the intersection of Mill Street and Orange Street (Mount Holly Springs, PA Quadrangle, N: 22.0 inches, W: 8.5 inches; Latitude: 40°7'18", Longitude: -77°11'13") in the Borough of Mount Holly Springs, Cumberland County. The purpose of the project is to construct additional living space and a garage for storage.

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

E19-282. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218, Montoursville, PA 17754-0218. S.R. 4003 Section 005 Fishing Creek Bridge Removal, Hemlock Township and the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 40°59' 42"; W: 76°28'23").

PA DOT Engineering District 3-0 proposes to remove a three-span reinforced concrete T-beam bridge over Fishing Creek. PA DOT proposes to use a two stage causeway

constructed of clean R-8 Rip-Rap with an R-3 Rip-Rap surface. The stream banks and abutment removal areas will be contoured to match existing ground and will be stabilized using R-8 Rip-Rap. The project is located in a Detailed FEMA study area. The project has an approved ATON plan. The project does not propose to impact any wetlands or historic properties. Fishing Creek is classified as Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

E57-122. Jeffrey Ottaviano, 301 Washington Lane, Jenkintown, PA 19046-3147. Water Obstruction and Encroachment Joint Permit Application, in Cherry Township, **Sullivan County**, ACOE Susquehanna River Basin District (Dushore, PA Quadrangle N: 41°30'2"; W: -76°27'35").

To construct and maintain a steel I-beam bridge measuring 60-feet long by 16-feet wide, with an average underclearance of 4-feet on a skew of 66°, over Wampole Creek, 1.2 mi. south of the int. with SR 0087 and Cook Hill Road (T-348) along Cook Hill Road. This project proposes to permanently impact 16 linear feet of Wampole Run, which is designated an Exceptional Value Fishery stream and does not propose to impact any jurisdictional wetlands.

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

E43-353, PADOT, District 1-0, 255 Elm Street, Oil City PA 16301. S.R. 0208, Section A01 Blacktown-Irishtown Intersection Improvement Project, in Pine

Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41°09'21"; W: 80°07'33.3").

To conduct the following activities associated with the realignment, widening and roadway improvements to S.R. 0208 and its intersections with Blacktown Road and Irishtown Road in Pine Township, Mercer County:

1. To fill a total of 0.0144 Acres of 3 wetland areas.
2. To install and maintain a 20 ft long, 5 foot by 4 foot box culvert extension within Barmore Run (CWF) along S.R. 0208, Segment 0140, Offset 3071 approximately 200 feet west of its intersection with Irishtown Road.

ENVIRONMENTAL ASSESSMENTS

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

EA36-025: John Koser, 523 Koser Road, Elizabethtown, PA 17022, in Conewago Township, Dauphin County and Mount Joy Township, **Lancaster County**, ACOE Baltimore District

To restore and maintain 981.0 feet of Conewago Creek (TSF, MF) including the installation of seven rock vanes, 240.0 feet of R-7 rock toe protection, 52.0 feet of R-7 dumped rock stream-bank protection, 75.0 feet of R-5 riprap bank protection, and 375.0 feet of live stake/shrub/tree plantings. The project is located immediately upstream of Koser Road (Elizabethtown, PA Quadrangle, N: 11.95 inches, W: 12.1 inches; Latitude: 40°11'26.8", Longitude: -76°35'12") in Conewago Township, Dauphin County and Mount Joy Township, Lancaster County. No wetlands will be impacted by this project.

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0062031 (Sewage)	Twin Cedars Inc. 364 Little Walker Road Shohola, PA 18458	Pike County Shohola Township	Unnamed Tributary to Walker Lake Creek (01D)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0005762 (Industrial Waste)	G. O. Carlson Inc. d/b/a Electralloy 176 Main Street Oil City, PA 16301	Venango City of Oil City	Allegheny River 16-E	Y

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

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0026271, Sewage, SIC Code 4952, **Meadville Area Sewer Authority Crawford County**, 1320 Park Avenue, Meadville, PA 16335-3114. Facility Name: Meadville Area STP. This existing facility is located in Meadville City, **Crawford County**.

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

The receiving stream, French Creek, is located in State Water Plan watershed 16-D and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅						
May 1 - Oct 31	1251	1877	XXX	20	30	40
Nov 1 - Apr 30	1564	2502	XXX	25	40	50
Total Suspended Solids	1877	2815	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Geo Mean				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	578	XXX	XXX	9.5	XXX	19
May 1 - Oct 31 (Final)	469	XXX	XXX	7.5	XXX	15
Nov 1 - Apr 30 (Final)	1407	XXX	XXX	22.5	XXX	45
Total Phosphorus	125	XXX	XXX	2	XXX	4

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

The discharge(s) shall consist of uncontaminated stormwater runoff from the treatment plant site.

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

- Federal Pretreatment Program
- Whole Effluent Toxicity testing for the permit renewal
- Stormwater Best Management Practices

- Sanitary Sewer Overflows
- Ammonia-Nitrogen Schedule of Compliance

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 Actions under The Clean Streams Law

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

WQM Permit No. 1511403, Sewage, **Pennsylvania American Water**, 4 Wellington Boulevard, Wyomissing, PA 19610.

This proposed facility is located in Valley and East Fallowfield Townships and the City of Coatesville, **Chester County**.

Description of Action/Activity: Replacing existing sewer trunk line with larger diameter pipe, sewer trunk line realignment and sewer main extension.

WQM Permit No. WQG02-460907, Sewage, **Girl Scouts of Eastern PA**, P. O. Box 27540, Philadelphia, PA 19118.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. WQG02-151106, Sewage, **Longwood Gardens, Inc.**, Route 1, P. O. Box 501, Kennett Square, PA 19348.

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

Description of Action/Activity: Construction and operation of a sewage collection system (pump station).

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

WQM Permit No. 3704402-A1, Sewage, **amendment, Wayne Township Municipal Authority**, 1418 Wampum Road, Ellwood City, PA 16117.

This existing facility is located in Ellwood City Borough, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Permit Amendment to upgrade an existing Sewage Treatment Facility by decreasing the size of submersible pumps and enlarging the standby generator to Woodside Pump Station.

WQM Permit No. 6274202, Industrial Waste, **Amendment No. 1, United States Fish and Wildlife Service**, 300 Westgate Center Drive, Hadley, PA 01035.

This existing facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: The reconstruction of the sedimentation pond at the Allegheny National Fish Hatchery.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410002	Commonwealth of Pennsylvania Department of General Services 18th & Herr Sts. Harrisburg, PA 17125	Wayne Co.	Honesdale Boro.	Carley Creek (HQ-CWF, MF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities

PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Mahoning Twp Carbon Co.	PAG2001306004R	William Grant PO Box 287 Brodheads ville, PA 18322	Mahoning Creek (CWF, MF)	Carbon Co. Conservation District 610-377-4894
City of Scranton Lackawanna Co.	PAG02003511012	Penn Security Bank & Trust 150 North Washington Ave. Scranton, PA 18503	Lackawanna River (CWF, MF)	Lackawanna Co. Conservation District 570-281-9495
North Whitehall Twp. Lehigh Co.	PAG02003911003	Curtis Schneck 5426 Route 873 Schnecksville PA 18078	Coplay Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583
Whitehall Twp. Lehigh Co.	PAG02003911002	Mark Goldsmith Wal-Mart Real Estate Business Trust 2001 SE 10th St. Bentonville, AR 72716	Catasauqua Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583
Greene Township Guilford Township Franklin County	ESCGP12811801	TEAM 2012 Bill Brent Texas Eastern Transmission 890 Winter Street, Suite 300 Waltham MA 02451	UNT to Conococheague Creek (HQ/CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Antrim Township Franklin County	PAG02002811019	Nottingham Meadows Gene Albert 14113 Pennsylvania Ave Hagerstown MD 21742	UNT to Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Antrim Township Franklin County	PAG02002811020	Paulmark Estates Doug Miller 9934 Browns Mill Road Greencastle PA 17225	UNT to Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Greene Township Franklin County	PAG2002806023R	Guilford Hills James Price Terra LLC 2200 Monroe Street York PA 17404	Conococheague Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Hemlock Township Columbia County	PAG2001908003(2)	Geisinger Health Sys 100 N Academy Ave Danville PA 18722	Little Fishing Creek CWF, MF Hemlock Creek CWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 X 102
Muncy Township Lycoming County	PAG2004111006	Daniel Klingerman Fishlips LLC 1500 Sycamore Rd Ste 120 Montoursville PA 17754	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Muncy Township Muncy Creek Township Lycoming County	PAG2004111008	Daniel Klingerman Turkey Run Properties LP 1500 Sycamore Rd Montoursville PA 17754	Twin Run WWF, MF Turkey Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
City of Williamsport Lycoming County	PAG2004111011	Joe Cipiani BTJ Investments 801 Sheridan St Williamsport, PA 17701	West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Slippery Rock Township Butler County	PAG02 0010 06 021R	Christopher Feeley Oculus Capital Group LLC 1250 24th Street NW Washington DC 20037	UNT Slippery Rock Creek CWF	Butler Conservation District 724-284-5270
Cranberry Township Butler County	PAG02 0010 11 012	Peter E. Armstrong Sr. Revocable Trust 1001 New Castle Road Prospect PA 16052	Kauffman Run WWF	Butler Conservation District 724-284-5270
Harborcreek Township Erie County	PAG02 0025 11 005	Penn State Erie Attn: Randall Geering 4701 College Drive Erie PA 16563	Four Mile Creek WWF; MF	Erie Conservation District 814-825-6403
Fairview Township Erie County	PAG02 0025 11 015	Fairview High School 7460 McCray Road Fairview PA 16415	Trout Run CWF; MF	Erie Conservation District 814-825-6403
City of Hermitage Mercer County	PAG02 0043 11 004	Eric J Hunter Hudson Holding Companies 2450 Shenango Valley Freeway Hermitage PA 16148	UNT Pine Run WWF	Mercer Conservation District 724-662-2242

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Hermitage Mercer County	PAG02 0043 11 005	Shawn Jurish Indian Run Group I, Ltd. 30050 Chagrin Blvd Ste 360 Pepper Pike OH 44124	Pine Hollow Run Tributary WWF	Mercer Conservation District 724-662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAR800078	Kinder Morgan Bulk Terminals, Inc. 1 Sinter Road Fairless Hills, PA 19030	Delaware River—2E	Southeast Region Water Management 484.250.5970
Hazel Twp. Luzerne County	PAR202255	Insteel Wire Products Company 501 Forest Rd. Hazel Twp., PA 18202	Cranberry Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Dauphin County Londonderry Township	PAG123640	Melvin J. Nissley Melmar Acres CAFO 1612 Pecks Road Middletown, PA 17057	Conewago Creek / TSF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4707
Lancaster County West Lampeter Township	PAG123641	Randall S. Andrews Spring Maple Farm 421 Penn Grant Road Lancaster, PA 17602	UNT Pequea Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4707
Erie City Erie County	PAR508304	Waste Management of PA, Inc. 851 Robison Rd. East Erie, PA 16509	West Branch Cascade Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

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.

NPDES Permit No. PA065111, CAFO, Jaindl Farms, LLC, 3150 Coffeetown Road, Orefield, PA 18069.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Authorization to discharge stormwater from a Concentrated Animal Feed Operation to the following receiving waters: Unnamed Tributaries to Little Lehigh Creek, Toad Creek, Breinig Run, Iron Run, Swabia Creek, Little Lehigh Creek, Hassen Creek, and Monocacy Creek.

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:

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

Former York International Corporation, Grantley Plant, 631 South Richland Avenue, York, PA, Spring Garden Township, **York County**. GZA GeoEnvironmental, Inc., 20900 Swenson Drive, Suite 150, Waukesha, WI 53186, on behalf of Johnson Controls, Inc., c/o Gonzalez Saggio & Harlan LLP, 225 East Michigan Street, 4th Floor, Milwaukee, WI 53202, and Patriot Richland Associates, LP, 1200 Liberty Ridge Drive, Suite 115, Wayne, PA 19087, submitted a Final Report concerning remediation

of site soils and groundwater contaminated with VOCs, PAHs, PCBs, and inorganics resulting from past industrial activities. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

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

Pennsylvania American Water Company—Hays Mine Station, City of Pittsburgh, **Allegheny County**. Weavertown Environmental Group, 2 Dorrington Road, Carnegie PA 15106 on behalf of Pennsylvania American Water Company, 800 West Hershey Park Drive, Hershey Pa 17033 has submitted a Statewide Health Final Report. Remediate. Localized BTEX contamination associated with two abandoned, 1500 gallon unregistered, unregulated underground storage tanks was found in site soils. The current and future use will remain as a water treatment plant. The Final Report was noticed in the *Pittsburgh Post-Gazette* on June 27, 2011.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area

remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Ackerman Property, 1314 Detweiler Avenue, Hellertown Borough, **Northampton County**. Christopher A. Jacangelo, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 submitted a Final Report (on behalf of his client, David C. Ackerman, 2276 Jordan Road, Orefield, PA 18069), concerning the remediation of soil found to have been impacted by No. 2 fuel oil, which was discovered during the removal of an underground fuel oil storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 28, 2011.

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

Verdelli Farms Property, Laurel Alley and East 2nd Street, Hummelstown Borough, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Ron Verdelli, P. O. Box 133, Hummelstown, PA 17036, submitted a Final Report concerning remediation of site groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on August 1, 2011.

ArcelorMittal Steelton Facility—Area 8 Landfill, Swatara Township, **Dauphin County**. ARM Group, 1129 West Governor Road, P. O. Box 797, Hershey, PA, on behalf of ArcelorMittal Steelton, LLC, 215 South Front Street, Steelton, PA 17113, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics. The combined report demonstrated attainment of the Site-Specific and Residential Statewide Health Standards, and was approved by the Department on August 3, 2011.

333 South Queen Street/Churchtown, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203 Lancaster, PA 17602, on behalf of Redevelopment Authority of the City of Lancaster, 120 North Duke Street, Lancaster, PA 17602, submitted a Remedial Investigation Report, Risk Assessment Report, and Final Report concerning remediation of site soils contaminated with lead and arsenic. These reports demonstrated attainment of the Site-Specific standard, and were approved by the Department on August 4, 2011.

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

Molycorp Washington Remediation Site, Canton Township **Washington County**. Arcadis U.S. Inc., One Adams Place, 310 Seven Fields Blvd, Suite 210, Seven Fields, PA 16046 on behalf of Molycorp, Inc., P. O. Box 469 Questa, NM 87556 and Chevron Environmental Management Company, 6101 Bollinger Canyon Road, BR1Z/5354, San Ramon, CA 94583, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs, metals, and cyanide. The Final Report was approved on August 3, 2011.

Westinghouse Specialty Coating Division Facility (Former), CBS Corporation, Manor Borough, **Westmoreland County**. Cummings Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 on behalf of CBS Corporation, 20 Stanwix Street, 10th Floor, Pittsburgh, PA 15222 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The Final Report was approved on July 26, 2011.

Daily News McKeesport, City of McKeesport, **Allegheny County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601 on behalf of Latrobe Printing and Publishing, PO Box 1894, Biddeford, ME 04005 and Tribune-review Publishing Co., D.L. Clark Building, Third Floor, 503 Martindale Street, Pittsburgh, PA has submitted a combined Remedial Investigation Report / Final Report concerning the remediation of site soil and groundwater contaminated with trichloroethene, tetrachloroethene, and cis-1,2-dichloroethene. The Final Report was approved on August 4, 2011.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit No. WMGR123SW005. Reserved Environmental Services, LLC, 1119 Old Route 119 S, Mt. Pleasant, PA 15666. Processing of flow back gas well water ("frac" water) from various Marcellus Shale gas drilling operations for use as a water supply source to be used in the extraction of natural gas from various Marcellus Shale gas drilling operations. The permit was issued by the Regional Office on August 5, 2011. This permit replaces General Permit No. WMGR121SW001 which was revoked by the Regional Office on August 5, 2011.

Persons interested in reviewing the general permit may contact Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**DETERMINATION OF APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

Permit(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGM034D002E. PPL Distributed Generation, LLC., Two North Ninth St, Allentown, PA 18101.

The general permit WMGM034D002E is for the processing and beneficial use of landfill gas (LFG), generated at the Lycoming County Resource Management Landfill (aka Lycoming County Landfill), as an alternate fuel for four (4) power generators to be installed at this landfill. The electric produced will be transmitted to the local electric utility grid for consumers use. The general permit was issued by Central Office on August 5, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and 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.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP1-22-05056A: The Hershey Co. (19 East Chocolate Avenue, Hershey, PA 17033) on August 1, 2011, for the two (2) natural gas-fired boilers under GP1, at the Hershey Chocolate East Plant in Derry Township, **Dauphin County**.

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

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

GP5-62-178A: Belden & Blake Corp.—Tidioute 1 Station (MacGuire Road, Tidioute, PA 16351), on August 1, 2011, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Deerfield Township, **Warren County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

23-0003S: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on August 3, 2011, to install a flare gas recovery system at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

15-0002G: QG, LLC (4581 Lower Valley Road, Atglen, PA 19310-0465) on August 3, 2011, for a change in the name of their facility in West Sadsbury Township, **Chester County**. The Plan Approval was administratively amended to change the name of the facility from World Color (USA), LLC to QG, LLC. There is no change of ownership or change in federal tax identification associated with this name change.

The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The Administrative Amendment of Plan Approval No. 15-0002G is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

06-05079E: United Corrstack, LLC (720 Laurel St., Reading, PA 19602-2718) on August 1, 2011, to construct a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine in the City of Reading, **Berks County**. The plan approval was extended.

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

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

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

46-00020: Superior Tube Co., Inc. (3900 Germantown Pike, Collegeville, PA 19426) on August 3, 2011, to renew the original Title V Operating Permit, which was issued on August 8, 2006, and amended on December 8, 2009, in Lower Providence Township, **Montgomery County**. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Some sources have been, however, been removed from the facility. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

61-00181: Scrubgrass Generating Co.—LP Kennerdell Plant (2151 Lisbon Road, Kennerdell, PA 16374) on July 27, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible for the facility in Scrubgrass Township, **Venango County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

23-00033: Dee Paper Co. (100 Broomall Street, Chester, PA 19013) on August 3, 2011, for a non-Title V, State Only, Synthetic Minor Operating Permit in the City of Chester, **Delaware County**. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 7-11-2006. The permit is for the operation of their cardboard box printing facility that uses three (3) sheet-fed, offset lithographic printing presses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

54-00058: Leed Foundry, Inc. (PO Box 98, St. Clair, PA 17970) on August 2, 2011, to operate there foundry operations in St. Clair Borough, **Schuylkill County**. This is an initial State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

06-03096: Lucas Lane, Inc. (10 Lucas Lane, Bernville, PA 19506) on August 2, 2011, for their oil filter recycling facility in Upper Tulpehocken Township, **Berks County**. The State-only permit was renewed.

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

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

S11-001: Federal Reserve Bank of Philadelphia (100 North 6th Street, Philadelphia, PA 19106) on August 3, 2011 to operate a banking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes five 6.0 MMBTU/hr boilers and seven 300 kW, one 750 kW and one 1000 kW emergency generators.

S11-010: Jeanes Hospital (7600 Central Avenue, Philadelphia, PA 19111) on August 3, 2011, to operate a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 304 HP boilers and one 750kW, one 400 kW and four less than 130 kW emergency generators.

S11-013: PA Convention Center Authority (1101 Arch Street, Philadelphia, PA 19107) on August 5, 2011, to operate a Business Convention Center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: two (2) 500 Kilowatt (KW) Detroit Diesel emergency generator firing #2 fuel oil, one (1) 600 KW Detroit Diesel emergency generator firing #2 fuel oil one (1) 270 Horsepower (HP) Peerless fire protection pump firing #2 fuel oil two (2) 20.4 MMBTU/hr Cleaver Brooks Boiler firing #2 fuel oil and natural gas Two (2) 8.76 MMBTU/hr York Chillers firing #2 fuel oil and natural gas, One (1) 600,000 BTU/hr Hot Water heater firing natural gas.

S11-012: PA Convention Center Annex (111 N. Broad Street, Philadelphia, PA 19107) on August 5, 2011 for operation of a business convention center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 1750 kilowatt (kw) cummins diesel emergency generator firing #2 fuel oil, two (2) 20.93 mmbtu/hr burnham boiler firing #2 fuel oil and natural gas, two (2) 8.43 mmbtu/hr johnson controls/power flame chillers firing #2 fuel oil and natural gas, two (2) 1.0 mmbtu/hr pvi industries hot water heaters firing natural gas.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

09-00182: Marko Coating LLC—dba Armoloy Co. of Philadelphia (1105 Miller Avenue, Croydon, PA 19028) on August 3, 2011, to amend the Natural Minor Operating Permit No. 09-00182 to reflect a change of ownership from Armoloy Company of Philadelphia to Marko Coating LLC Bristol Township, **Bucks County**. No changes have been made to the conditions of the Natural Minor Operating Permit. The Natural Minor Operating Permit contains monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-00002: QG, LLC (4581 Lower Valley Road, Atglen, PA 19310-0465) on August 3, 2011, for a change in the name of their facility in West Sadsbury Township, **Chester County**. The Title V Operating Permit was administratively amended to change the name of the facility from World Color (USA), LLC to QG, LLC. There is no change of ownership or change in federal tax identification associated with this name change.

The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00188: Gamesa Wind PA, LLC. (400 Gamesa Drive, Fairless Hills, PA 19030-5010) on August 4, 2011,

for their nacelle assembly plant in Falls Township, **Bucks County**. The operating permit was administratively amended to incorporate the requirements of Plan Approval No. 09-0188C. The amended operating permit contains the applicable regulatory requirements including testing, monitoring, recordkeeping, reporting and emission limits.

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

28-05041: JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233-9502) on July 29, 2011, for their wrecker automotive recovery truck body manufacturing facility in Antrim Township, **Franklin County**. The State-only permit was administratively amended due to a change of ownership.

01-05029: GenOn Wholesale Generation LP (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 2, 2011, for their Hunterstown electrical generating facility in Straban Township, **Adams County**. The Title V permit was administratively amended to reflect changes in facility contact information.

21-05010: GenOn REMA, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 2, 2011, for the Mountain electrical generating facility in South Middleton Township, **Cumberland County**. The State-only permit was administratively amended to reflect changes in facility contact information.

01-05006: GenOn REMA, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 2, 2011, for the Orrtanna electrical generating facility in Highland Township, **Adams County**. The State-only permit was administratively amended to reflect changes in facility contact information.

67-05028: GenOn REMA, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 2,

2011, for the Tolna electrical generating facility in Hopewell Township, **York County**. The State-only permit was administratively amended to reflect changes in facility contact information.

01-05004: GenOn REMA, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 2, 2011, for the Hamilton electrical generating facility located in Hamilton Township, **Adams County**. The State-only permit was administratively amended to reflect changes in facility contact information.

01-05009: US Army Fort Detrick (201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-9267) on July 14, 2011, for the Raven Rock Mountain Complex facility in Liberty Township, **Adams County**. The Title V permit was administratively amended to remove reference to piece of equipment that no longer exists, and to add a reference to the applicability of 40 CRF Part 63, Subpart ZZZZ.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

25-00360: The Electric Materials Company (50 South Washington Street, North East, PA 16428), for its facility located in North East Borough, **Erie County**. The De minimis emission increase is for the construction of the EDM machine operation with Smog Hog and the exhausting of Induction Furnace (Source 2220) without control device. In addition, these sources are exempt from plan approval as they comply with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code § 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on July 25, 2008.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
8-2-11	EDM machine operations	0.07				
8-2-11	Induction furnace (Source 2220)	0.03				
Total Reported Increases		0.1				
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

43-00326: City Slag Quarry—Hermitage (8063 Southern Blvd., Youngstown, OH 44512) for its facility located in the City of Hermitage, **Mercer County**. The de minimis increase is a result of the installation of a water-based aggregate washing and screening operation. The Department has started a list of de minimis increases as prescribed in 25 PA Code § 127.449(i).

Since the September 15, 2010 State Only Operating Permit issuance date, City Slag Quarry has notified the Department of the following de minimis emission increases:

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
7/7/2011	Aggregate washing & screening	0.48	0	0	0	0
Total Reported Increases		0.48	0	0	0	0

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

32051601 and NPDES No. PA0236012, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to operate the Crooked Creek Preparation Plant in Washington Township, **Indiana County** a new coal preparation plant and related NPDES discharge points. Surface Acres Proposed 50.0. Receiving stream: Unnamed tributary to Crooked Creek, classified for the following use(s): CWF. Application received: February 15, 2005. Permit issued: August 3, 2011.

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

03900110 and NPDES Permit No. PA0592404. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Boggs Township, **Armstrong County**, affecting 81.3 acres. Receiving streams: North Fork Pine Creek and unnamed tributary to North Fork Pine Creek to Allegheny River. Renewal application received: March 25, 2011. Permit renewal issued: August 1, 2011.

65080101 and NPDES Permit No. PA0251526. V. P. Smith Co., Inc. (3435 Route 30 East, Latrobe, PA 15650). Permit revised to add sandstone removal and a road variance to affect within 100 feet of Township Road T-970 at an existing bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 14.6 acres. Receiving streams: unnamed tributary to Stony Run. Application received: February 18, 2011. Revised permit issued: August 1, 2011.

02860201 and NPDES Permit No. PA0588407. IP Harmar Holdings, LLC (2929 Allen Parkway, Suite 2200, Houston, TX 77019). Permit renewal issued for continued operation and reclamation of a bituminous coal refuse reprocessing site located in Harmar Township, **Allegheny County**, affecting 168.3 acres. Receiving streams: Guys Run. Application received: March 29, 2011. Renewal issued: August 1, 2011.

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

54-305-018GP12. Waste Management & Processors, Inc., (P. O. Box K, Frackville, PA 17931), general operat-

ing permit to operate a coal preparation plant on Surface Mining Permit No. 54080201 in Mechanicsville, Port Carbon and Palo Alto Boroughs, **Schuylkill County**. Application received: July 1, 2011. Permit issued: August 4, 2011.

Noncoal Permits Actions

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

4673SM13. John D. Anderson (P. O. Box 676, Warren, PA 16365) Revision to an existing large industrial mineral mine to add 4.8 acres in Pine Grove Township, **Warren County**. New Mine Drainage Permit acreage is 33.3 acres. Receiving streams: North Branch Akeley Run. Application received: April 5, 2010. Permit Issued: August 3, 2011.

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

08102803 M. R. Dirt, Inc. (RR 2 Box 147, Towanda, PA 18848) was replaced by General Permit 08112501 in Wyalusing Township, **Bradford County**. Receiving stream: Unnamed Tributary to Billings Creek to Wyalusing Creek. Authorization approved July 12, 2011.

53112802 and NPDES PA 0257656 Stanley, Gary, & Dave Goodwin DBA Goodwin & Sons (1815 US Rt 6 West, Roulette, PA 16746). Commencement, operation, and restoration of an existing small non coal sand, gravel and topsoil operation in Roulette Township, **Potter County** affecting 5.0 acres. This is an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Unnamed Tributary, Allegheny River. Application received: May 12, 2011. Permit issued: June 16, 2011.

08102815 Shawn M. O'Dell Sr. (5221 Rte. 706, RR3 Box 329G, Wyalusing, PA 18853-8247), commencement, operation, and restoration of a bluestone operation in Asylum Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Bennetts Creek, Susquehanna River. Application received: November 9, 2010. Permit issued: July 18, 2011.

08112502 Johnson Quarries, Inc. (P. O. Box 136, LeRaysville, PA 18829), authorized to extra bluestone in Warren Township, **Bradford County**. This General Permit replaces small noncoal 08102801. Receiving stream(s): Unnamed Tributary to Dewing Creek to Apalachin Creek. Authorized approved: July 27, 2011.

08112502GP-104 Johnson Quarries, Inc. (P. O. Box 136, LeRaysville, PA 18829), hereby approves the Notice of intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface waters in Warren Township, **Bradford County**. Receiving streams: Unnamed Tributary to Dewing Creek to Apalachin Creek. Application received: February 28, 2011. Permit Issued: July 27, 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

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

08114124. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Construction blasting

for a natural gas well pad located in Smithfield Township, **Bradford County**. Permit issued: July 26, 2011. Permit expires: December 31, 2011.

08114125. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Construction blasting for a natural gas well pad located in Sheshequin Township, **Bradford County**. Permit issued: July 26, 2011. Permit expires: December 31, 2011.

18114101. Wampum Hardware Co. (2856 Stoystown Road, Friedens, PA 15541-7020). Blasting for well fracking located in Gallagher Township, **Clinton County**. Permit issued: July 26, 2011. Permit expires: December 31, 2011.

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

67114109. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mulligan Sewer Interceptor in Newberry Township, **York County** with an expiration date of July 31, 2012. Permit issued: August 2, 2011.

67114110. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Baker Road waterline in West Manchester Township, **York County** with an expiration date of July 29, 2012. Permit issued: August 2, 2011.

15114107. American Infrastructure, Inc., (P. O. Box 98, Worcester, PA 19490), construction blasting for SR 29 Interchange in Charlestown, Tredyffrin and West Whiteland Township, **Chester County** with an expiration date of July 7, 2012. Permit issued: August 3, 2011.

66114115. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Lemon Township, **Wyoming County** with an expiration date of December 31, 2011. Permit issued: August 3, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

2. Impact 0074: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Trout Brook listed as a Chap. 93 CWF permanently impacting 1,065 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.179' N; Long. -75° 56.111' W.)

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

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

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

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

7. Impact 0323S: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Sutton Creek listed as a Chap. 93 CWF permanently

impacting 13 s.f.; (Kingston, PA Quadrangle: Lat. 41° 22.957' N; Long. -75° 55.906' W.)

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

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

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

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

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

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

Impact 0583: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Whitelock Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 31 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.581' N; Long. -75° 55.194' W.)

Impact 0586: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 78 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.644' N; Long. -75° 55.182' W.)

Impact 0587: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 155 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.652' N; Long. -75° 55.190' W.)

Impact 0589: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 126 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.662' N; Long. -75° 55.197' W.)

Impact 0591: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 81 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.683' N; Long. -75° 55.214' W.)

Impact 0617: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Seasonal Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 1,609 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.855' N; Long. -75° 55.317' W.)

Impact 0713: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Perennial Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 2,444 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.562' N; Long. -75° 55.491' W.)

Impact 0722: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland permanently impacting 4,474 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.612' N; Long. -75° 55.490' W.)

Impact 0723: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 315 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.628' N; Long. -75° 55.497' W.)

Impact 0831-A: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres temporarily impacting 4,964 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.261' N; Long. -75° 55.896' W.)

Impact 0831-B: To install, operate, and maintain an timber mat crossing a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres temporarily impacting 4,964 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.261' N; Long. -75° 55.896' W.)

Impact 0832-A: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Mill Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 250 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.309' N; Long. -75° 55.870' W.)

Impact 0832-B: To install, operate, and maintain an flume and timber mat crossing a Perennial Mill Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 250 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.309' N; Long. -75° 55.870' W.)

Impact 0954: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Martin Creek listed as a Chap. 93 CWF permanently impacting 712 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.313' N; Long. -75° 55.637' W.)

Impact 0972: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Martin Creek listed as a Chap. 93 CWF permanently impacting 120 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.450' N; Long. -75° 55.681' W.)

Impact 0976: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine

Emergent (PEM) Wetland permanently impacting 118.3 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.489' N; Long. -75° 55.672' W.)

Impact 0989: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 16,774 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.547' N; Long. -75° 55.565' W.)

Impact 1157: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Moneypenny Creek listed as a Chap. 93 CWF permanently impacting 276 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.746' N; Long. -75° 55.136' W.)

Impact 1166: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Moneypenny Creek (Perennial) listed as a Chap. 93 CWF permanently impacting 5,924 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.781' N; Long. -75° 55.177' W.)

Impact 1173: To install, operate, and maintain a temporary timber mat crossing of an Intermittent Unnamed Trib. to Whitelock Creek listed as a Chap. 93 CWF temporarily impacting 0 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.861' N; Long. -75° 55.033' W.)

Impact 1286: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 375 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.763' N; Long. -75° 55.566' W.)

Impact 1293: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 470 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.822' N; Long. -75° 55.530' W.)

Impact 1294: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 445 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.830' N; Long. -75° 55.533' W.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact 2110: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland

complex greater than 10 acres permanently impacting 27,963 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.682' N; Long. -75° 53.836' W.)

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

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

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

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

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

Impact 2394: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 530 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.813' N; Long. -75° 53.037' W.)

Impact 2419: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 1,607 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.008' N; Long. -75° 52.982' W.)

Impact 2426: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 491 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.910' W.)

Impact 2428: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 1,715 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.042' N; Long. -75° 52.890' W.)

Impact 2430W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 6,003 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.065' N; Long. -75° 52.867' W.)

Impact 2430S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 1257 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.864' W.)

Impact 2433: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland com-

plex greater than 10 acres permanently impacting 15,804 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.832' W.)

Impact 2453: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 630 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.153' N; Long. -75° 52.724' W.)

Impact 2456: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 64 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.169' N; Long. -75° 52.749' W.)

Impact 2457: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 9,440 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.188' N; Long. -75° 52.719' W.)

Impact 2481W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 880 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.354' N; Long. -75° 52.782' W.)

Impact 2481S1: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 324 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.334' N; Long. -75° 52.780' W.)

Impact 2481S2: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 784 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.386' N; Long. -75° 52.775' W.)

Impact 2484: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 740 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.410' N; Long. -75° 52.791' W.)

Impact 2522: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Ephemeral Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 380 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.679' N; Long. -75° 53.010' W.)

Impact 2523: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland permanently impacting 575 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.684' N; Long. -75° 53.030' W.)

Impact 2526W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 987 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.709' N; Long. -75° 53.015' W.)

Impact 2526S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Ephemeral Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 86 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.708' N; Long. -75° 53.007' W.)

Impact 2542: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland

complex greater than 10 acres permanently impacting 1,888 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.857' N; Long. -75° 53.017' W.)

Impact 2550: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 11,671 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.929' N; Long. -75° 53.019' W.)

Impact 2553: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 467 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.950' N; Long. -75° 53.023' W.)

Impact 2559: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 2,556 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.999' N; Long. -75° 53.041' W.)

Impact 2560: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 344 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.975' N; Long. -75° 53.030' W.)

Impact 2571: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres using permanently impacting 10,068 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.090' N; Long. -75° 53.051' W.)

Impact 2575W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 2,964 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.128' N; Long. -75° 53.080' W.)

Impact 2575S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 424 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.108' N; Long. -75° 53.094' W.)

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

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

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

Impact 2687: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine

Emergent (PEM) Wetland temporarily impacting 9,898 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.837' N; Long. -75° 52.749' W.)

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

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

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

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

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

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

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

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

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

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

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

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

Impact 3131: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath Perennial

Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 2,292 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.967' N; Long. -75° 53.038' W.)

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

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

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

Impact 3253S: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Stevens Creek listed as a Chap. 93 CWF temporarily impacting 524 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.452' N; Long. -75° 54.024' W.)

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

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

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

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

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

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

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

To install, operate, and maintain a 24" Natural Gas Gathering Pipeline from a point (Lat. 41° 42.752573' N, Long. 75° 55.084310' W) North of Springville, PA in the county of Susquehanna to a point (Lat. 41° 20.725316' N,

Long. 75° 56.498261' W) Northeast of Dallas, PA in the county of Luzerne where it will connect the northern gas fields to the Transco Pipeline for distribution to market. Stream Impacts are 46,314 square feet (1.063 acres) for the scope of the project, which includes portions in Luzerne, Wyoming, and Susquehanna Counties. Wetland mitigation will be determined by the PA DEP during the review process.

E0829-013: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 16 inch diameter temporary waterline and a 16 foot wide equipment mat across an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) impacting 10 linear feet and adjacent Palustrine Scrub-Shrub Wetland impacting 6,610 square feet (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°34'13.59", Longitude: -76°20'20.45").

2. one 16 inch diameter temporary waterline and a 16 foot wide equipment mat across unnamed tributary to North Branch Mehoopany Creek (CWF, MF). Impacted Area: 10 linear feet (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°34'12.83", Longitude: -76°20'18.73").

3. one 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Scrub-Shrub Wetland. Impacted Area: 4,129 square feet (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°34'7.51", Longitude: -76°20'7.82").

The project will result in 20 linear feet of temporary stream impacts and 10,739 square feet (0.25 acres) of temporary PSS wetland impacts from temporary waterlines and temporary equipment mat crossings for the purpose of establishing temporary water supply for Marcellus well development.

E4129-008: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,868 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°32'46.4" N 77°05'31.9" W);

The project will result in 1,868 square feet (0.043 acres) of temporary wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, fiber optic cable, and associated access roadways.

E4129-009: Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, TX 77251, Mifflin, Cogan House, and Lewis 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 2441 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'1"N 77°12'41"W).

(2) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 3 linear feet; (Salladasburg Quadrangle 41°17'2"N 77°12'43"W).

(3) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 7893 square feet of a palustrine forested (PFO) wetland adjacent to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'8"N 77°12'41"W).

(4) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 5 linear feet; (Salladasburg Quadrangle 41°17'7"N 77°12'44"W).

(5) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 11 linear feet; (Salladasburg Quadrangle 41°17'7"N 77°12'45"W).

(6) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Larrys Creek (EV) impacting 47 linear feet; (Salladasburg Quadrangle 41°17'8"N 77°12'45"W).

(7) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 13006 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'14"N 77°12'45"W).

(8) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 22 linear feet; (Salladasburg Quadrangle 41°17'47"N 77°13'0"W).

(9) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 10 linear feet; (Salladasburg Quadrangle 41°18'24"N 77°12'49"W).

(10) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mash Run (EV) impacting 9 linear feet; (Salladasburg Quadrangle 41°19'4"N 77°12'51"W).

(11) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 227 square feet of a palustrine emergent (PEM) wetland; (Salladasburg Quadrangle 41°20'8"N 77°12'53"W).

(12) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 525 square feet of a water body (POW); (Salladasburg Quadrangle 41°22'29"N 77°13'57"W).

(13) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 856 square feet of a palustrine emergent (PEM) wetland; (White Pine Quadrangle 41°22'40"N 77°14'5"W).

(14) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 669 square feet of a palustrine forested (PFO); (White Pine Quadrangle 41°23'9"N 77°14'10"W).

(15) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 8467 square feet of a palustrine emergent (PEM) wetland adjacent to 2nd Fork Larrys Creek (EV); (White Pine Quadrangle 41°23'51"N 77°14'8"W).

(16) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 6455 square feet of a palustrine scrub-shrub (PSS) wetland adjacent to 2nd Fork Larrys Creek (EV); (White Pine Quadrangle 41°23'54"N 77°14'7"W).

(17) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across 2nd Fork Larrys Creek (EV) impacting 9 linear feet adjacent to state route 184; (White Pine Quadrangle 41°23'53"N 77°14'8"W).

(18) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Run (EV) impacting 3 linear feet; (White Pine Quadrangle 41°25'4"N 77°13'4"W).

(19) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Wendell Run (EV) impacting 34 linear feet adjacent to state route 184; (White Pine Quadrangle 41°24'49"N 77°11'48"W).

(20) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 2225 square feet of a palustrine forested (PFO) wetland adjacent to Wendell Run (EV); (White Pine Quadrangle 41°24'49"N 77°11'47"W).

(21) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 27 linear feet; (White Pine Quadrangle 41°25'6"N 77°10'54"W).

(22) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Wolf Run (EV) impacting 25 linear feet; (White Pine Quadrangle 41°25'22"N 77°10'22"W).

(23) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 5843 square feet of a palustrine forested (PFO) wetland adjacent to Wolf Run (EV); (White Pine Quadrangle 41°25'23"N 77°10'22"W).

(24) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wolf Run (EV) impacting 3 linear feet; (White Pine Quadrangle 41°25'29"N 77°10'11"W).

(25) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 7467 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Wolf Run (EV); (White Pine Quadrangle 41°25'28"N 77°10'11"W).

(26) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 500 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (White Pine Quadrangle 41°25'32"N 77°9'25"W).

(27) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 334 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (White Pine Quadrangle 41°25'30"N 77°9'24"W).

(28) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 15 linear feet; (White Pine Quadrangle 41°25'31"N 77°9'24"W).

(29) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 5379 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV); (White Pine Quadrangle 41°25'23"N 77°9'5"W).

(30) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Larrys Creek (EV) impacting 12 linear feet adjacent to state route 184; (White Pine Quadrangle 41°25'24"N 77°9'4"W).

(31) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 9380 square feet of a palustrine forested (PFO) wetland; (White Pine Quadrangle 41°24'53"N 77°7'32"W).

(32) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Wolf Run (HQ-CWF) impacting 5 linear; (Trout Run Quadrangle 41°25'10"N 77°6'39"W).

The project will result in 240 linear feet of temporary stream impacts and 71667 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.16 acres of watercourse impacts and 1.65 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E5829-004. Southwestern Energy Production Company; 181 W. Tioga Street, Suite 2, Tunkhannock, PA 18657; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A 9 feet wide x 7 feet high x 25 feet long Concrete Box Culvert replacing two varying size culverts beneath an existing access drive on an Unnamed Tributary to Tunkhannock Creek (Chap. 93 CWF-MF) impacting 40 lineal feet of stream channel; U.S.G.S. Lenoxville Topographic Quadrangle; located at N 41° 42' 15.7" Lat., W -75° 39' 40.4" Long.

2) A 24 inch diameter x 40 lineal foot Culvert in an existing field access road across a Palustrine Emergent (PEM) Wetland impacting 1,464 square feet; U.S.G.S. Lenoxville Topographic Quadrangle; located at N 41° 42' 18.9" Lat., W -75° 39' 46" Long.

Summary: The project will result in the impact of 40 feet of stream channel and 1,464 square feet of Palustrine Emergent Wetlands all for the purpose of access to the Gerfin Well Site. Wetland impacts are de minimus.

E5829-005. Chesapeake Appalachia LLC; 101 North Main Street, Athens, PA 18810; Rush and Jessup Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) One 30 inch diameter x 250 feet long High Density Polyethylene (HDPE) Culvert beneath a water impoundment staging area on an Unnamed Tributary to Elk Lake Stream (Chap. 93 CWF); located at N 41° 46' 31.03" Lat., W -76° 00' 41.08" Long.; Stream Impact: 138 feet; U.S.G.S. Lawton SE Topographic Quadrangle.

2) One 30 inch diameter x 54 feet long High Density Polyethylene (HDPE) Culvert with manhole and 16 feet of R4 rip rap outlet protection beneath a water impoundment staging area on an Unnamed Tributary to Elk Lake Stream (Chap. 93 CWF); located at N 41° 46' 31.03" Lat., W -76° 00' 41.08" Long.; Stream Impact: 70 feet; U.S.G.S. Lawton SE Topographic Quadrangle.

The project will result in the impact of 208 feet of stream channel all for the purpose of constructing a staging/withdrawal area called the Decker Farms Water Impoundment. No wetland impact.

E5929-009: EQT Gathering LLC, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114, Charleston and Duncan Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 4 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°38'52.6" N 77°16'8.9" W);

2) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 4 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°38'57.9" N 77°16'1.2" W);

3) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line

impacting 3 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'0.3" N 77°15'57.7" W);

4) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'1.8" N 77°15'56.0" W);

5) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Rock Run (HQ-CWF) (Antrim, PA Quadrangle 41°39'15.5" N 77°15'38.8" W);

6) a temporary road crossing using wood mat bridge impacting 2 linear feet of an UNT to Rock Run (HQ-CWF) (Antrim, PA Quadrangle 41°39'39.7" N 77°15'26.1" W);

7) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 6 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'1.9" N 77°15'29.3" W);

8) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 1 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'38.9" N 77°15'29.6" W);

9) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 8 linear feet of Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'44.0" N 77°15'28.4" W);

10) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 1 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'44.8" N 77°15'28.0" W);

11) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 6 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'48.7" N 77°15'26.4" W);

12) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'26.0" N 77°14'48.4" W);

13) a temporary road crossing using 4, 20 foot long, 4 foot diameter culverts, and a 16 inch diameter natural gas gathering line impacting 12 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'27.5" N 77°14'20.3" W);

14) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'50.1" N 77°14'8.1" W);

15) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 2 linear feet of an UNT to Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'2.9" N 77°14'1.9" W);

16) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 8 linear feet of Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'12.6" N 77°16'50.4" W);

17) a temporary road crossing using 3, 20 foot long, 4 foot diameter culverts, and a 16 inch diameter natural gas gathering line impacting 12 linear feet of an UNT to Catlin Hollow (TSF) (Cherry Flats, PA Quadrangle 41°44'55.0" N 77°13'3.7" W);

18) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line im-

pacting 3 linear feet of an UNT to Catlin Hollow (TSF) (Crooked Creek, PA Quadrangle 41°45'4.9" N 77°12'50.2" W);

19) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 2 linear feet of an UNT to North Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°45'53.0" N 77°12'37.1" W);

20) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°46'41.0" N 77°12'32.5" W);

21) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°46'40.9" N 77°12'32.2" W);

22) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°47'1.0" N 77°12'7.0" W);

23) a temporary road crossing using 3, 20 ft. long, 3 ft. diameter culverts, and a 16 inch diameter natural gas gathering line impacting 15 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°47'42.9" N 77°10'48.9" W);

24) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.03 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°38'46.4" N 77°16'17.5" W);

25) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.13 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°38'49.4" N 77°16'13.5" W);

26) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.06 acres of an exceptional value palustrine forested (EV-PFO) wetland (Antrim, PA Quadrangle 41°39'14.8" N 77°15'39.9" W);

27) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°39'39.8" N 77°15'25.7" W);

28) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.13 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°40'1.9" N 77°15'28.5" W);

29) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.05 acres of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'44.3" N 77°15'28.3" W);

30) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'48.7" N 77°15'26.4" W);

31) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.14 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'13.4" N 77°14'17.0" W);

32) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'46.8" N 77°14'14.0" W);

33) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.26 acres of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Cherry Flats, PA Quadrangle 41°43'12.6" N 77°13'50.3" W);

34) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.16 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°44'54.9" N 77°13'6.2" W);

35) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'44.1" N 77°12'43.8" W);

36) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.02 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'53.3" N 77°12'36.8" W);

37) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.04 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°46'41.0" N 77°12'33.3" W);

38) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.09 acres of a palustrine emergent/scrub shrub (PEM/PSS) wetland (Crooked Creek, PA Quadrangle 41°47'0.9" N 77°12'7.1" W);

39) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine scrub shrub (PSS) wetland (Crooked Creek, PA Quadrangle 41°47'25.0" N 77°11'23.2" W);

40) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.06 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47'32.3" N 77°10'50.7" W);

41) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent/forested (PEM/PFO) wetland (Crooked Creek, PA Quadrangle 41°47'40.4" N 77°10'48.9" W).

The project will result in 119 linear feet of temporary stream impacts, 1.27 acres of temporary wetland impacts, and 0.46 acres of permanent wetland impacts all for the purpose of installing a natural gas gathering line and associated access roadways.

E5929-014: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Richmond and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 650 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'53"N 77°00'43"W);

2) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 350 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'54"N 77°00'57"W);

3) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 850 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'55"N 77°00'58"W);

4) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 500 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'56"N 77°00'59"W);

5) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 950 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'57"N 77°01'00"W);

6) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 400 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'57"N 77°01'01"W);

7) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 350 square feet of an unnamed tributary (UNT) to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°50'49"N 77°04'49"W);

8) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 100 square feet of an unnamed tributary (UNT) to Mad Run (TSF) (Mansfield, PA Quadrangle 41°50'23"N 77°03'13"W);

9) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,600 square feet of Mad Run (TSF) (Mansfield, PA Quadrangle 41°50'23"N 77°03'12"W);

10) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,300 square feet of Mad Run (TSF) (Mansfield, PA Quadrangle 41°49'43"N 77°02'25"W);

11) an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 42 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°48'15"N 77°02'25"W);

12) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 503 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'54"N 77°00'48"W);

13) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,872 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'00"N 77°01'05"W);

14) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line wetland impacting 4,651 square feet of a palustrine emergent/scrub/shrub (PEM/PSS) (Mansfield, PA Quadrangle 41°48'05"N 77°01'23"W);

15) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,778 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'05"N 77°01'33"W);

16) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 837 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'10"W);

17) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,474 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'10"W);

18) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 475 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'18"W);

19) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,183 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'23"N 77°02'28"W);

20) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,242 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'28"N 77°02'28"W);

21) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,259 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'52"N 77°02'21"W);

22) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 607 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'03"N 77°02'24"W);

23) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,213 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'57"N 77°02'45"W);

24) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,232 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'34"N 77°02'30"W);

25) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,093 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'36"N 77°02'29"W);

26) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,728 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'38"N 77°02'28"W);

27) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,273 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'39"N 77°02'27"W);

28) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 20 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'43"N 77°02'24"W);

29) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 60 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'43"N 77°02'26"W);

30) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 5,020 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'44"N 77°02'25"W);

31) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,570 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'22"W);

32) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 111 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°02'18"W);

33) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,678 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'26"N 77°02'13"W);

34) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 9,905 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'50"W);

35) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 438 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'52"W);

36) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 627 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°03'03"W);

37) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,168 square feet of a palustrine emergent/scrub/shrub (PEM/PSS) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°03'13"W);

38) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 8,460 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'42"N 77°04'11"W);

39) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 557 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'49"N 77°04'49"W).

The project will result in 479 linear feet of temporary stream impacts, a total of 58,034 square feet (1.33 acres) of temporary wetland impacts, and no permanent wetland impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas gathering line and 2 spur lines with associated access roadways.

E5929-015: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 60 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh

waterline, and a fiber optic cable impacting 1,214 square feet of Brion Creek (EV-CWF) (Liberty, PA Quadrangle 41°33'40" N 77°02'34" W);

2) a temporary road crossing using 20 foot long, 42 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline, and a fiber optic cable impacting 215 square feet of an unnamed tributary (UNT) to Brion Creek (EV-CWF) (Liberty, PA Quadrangle 41°33'36" N 77°02'49" W);

3) a temporary road crossing using a 20 foot long, 42 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,171 square feet of an unnamed tributary (UNT) to Brion Creek (EV-CWF) (Liberty, PA Quadrangle 41°33'35" N 77°02'54" W);

4) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 448 square feet of an unnamed tributary (UNT) to Little Elk Run (EV-CWF) (Liberty, PA Quadrangle 41°33'26" N 77°04'06" W);

5) a temporary road crossing using 20 foot long, 42 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,443 square feet of Little Elk Run (EV -CWF) (Liberty, PA Quadrangle 41°33'19" N 77°04'24" W);

6) a temporary road crossing using 20 foot long, 36 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 941 square feet of Little Elk Run (EV-CWF) (Liberty, PA Quadrangle 41°33'26" N 77°04'26" W);

7) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 168 square feet of an unnamed tributary (UNT) to Roaring Branch (EV-CWF) (Liberty, PA Quadrangle 41°33'03" N 77°04'49" W);

8) a temporary road crossing using 20 foot long, 30 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,593 square feet of an unnamed tributary (UNT) to Roaring Branch (EV-CWF) (Liberty, PA Quadrangle 41°32'55" N 77°05'11" W);

9) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 6,497 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'12" N 77°03'15" W);

10) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,580 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°33'27" N 77°03'25" W);

11) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°33'12" N 77°04'23" W);

12) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,124 square feet of an exceptional value palustrine emergent (EV-PEM) wetland impacting 5,001 square feet (Liberty, PA Quadrangle 41°33'19" N 77°04'25" W);

13) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 713 square feet if an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°33'27" N 77°04'26" W);

14) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,225 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'11" N 77°04'32" W);

15) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,868 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°32'46" N 77°05'32" W).

The project will result in 134 linear feet of temporary stream impacts and a total of 18,140 square feet (0.416 acres) of temporary wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, fiber optic cable, and associated access roadways.

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

E15-813. Coldstream Crossing II LP, 209 N. Matlack Street, West Chester, PA 19380, East Pikeland Township, **Chester County**, ACOE Philadelphia District.

To extend and maintain the existing 23-foot span by 6-foot rise steel plate arch culvert by 79 feet on the upstream side along Powder Mill Creek associated with access road to Coldstream Crossing II subdivision. This work also includes the construction and maintenance of a proposed paved walking trail across the existing 36-inch culvert.

The site is located near the intersection of Kimberton Road (SR 0113) and Coldstream Road (Malvern, PA USGS Quadrangle N: 26 inches; W: 14 inches).

E51-248. Conergy Projects, Inc., 101 Lindenwood Drive, Suite 130, Malvern, PA 19355, City and **County of Philadelphia**, ACDOE Philadelphia District.

To place and maintain approximately 2,500 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).

The site is located near the intersection of Kimberton Road (SR 0113) and Coldstream Road (Malvern, PA USGS Quadrangle N: 26 inches; W: 14 inches).

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

E06-664: Pa. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown,

PA 18101, in Leesport Borough and Ontelaunee and Muhlenberg Townships, ACOE Philadelphia District

To: 1) remove the bridge deck and upstream wingwalls of the existing structure and construct and maintain a single span bridge having a normal span of 48.0 feet, a width of 81.0 feet, and an underclearance of 12.9 feet across Willow Creek (HQ, CWF) carrying SR 0061 approximately 480.0 feet south of the intersection with Snyder Road in Ontelaunee Township (Temple, PA Quadrangle; N: 9.1 inches, W: 8.6 inches; Latitude: 40°25'31", Longitude: -75°56'13"), 2) remove the existing structures and construct and maintain two 60.0-inch CMP pipes having a length of 115.0 feet, a concrete wingwall entrance, and riprap protection outfall in an unnamed tributary to the Schuylkill River (WWF) carrying SR 0061 approximately 275.0 feet south of the intersection with West Huller Lane in Ontelaunee Township (Temple, PA Quadrangle; N: 7.1 inches, W: 8.9 inches; Latitude: 40°24'50", Longitude: -75°56'20"), 3) place and maintain fill in 0.04-acre of PEM wetland at the intersection of Lake Shore Drive and SR 0061 (Temple, PA Quadrangle; N: 11.8 inches, W: 9.8 inches; Latitude: 40°26'23", Longitude: -75°56'44"), and 4) place 0.01-acre of temporary fill in the same PEM wetland, all for the purpose of improving transportation safety and roadway standards along SR 0061 in Berks County. The amount of wetland impact is considered a de minimus impact of 0.04-acre, and wetland replacement is not required.

E22-559: Pennsylvania Gam Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110, in Rush Township, **Dauphin County**, ACOE Baltimore District

To install and maintain three (3) 20.0-foot long, 24.0-inch diameter HDPE culverts for a temporary road crossing and to construct and maintain a 14.0-foot wide single-span bridge having a normal span of 48.0-feet and an underclearance of 7.50 feet across Clark Creek (HQ-CWF, MF). The purpose of the project is to provide access for timber harvest and food plot management activities. The project is located on State Game Lands No. 211 (Tower City, PA Quadrangle; N: 8.3 inches, W: 10.9 inches; Latitude: 40°32'45", Longitude: -76°34'35") in Rush Township, Dauphin County. No wetlands will be impacted by this project.

E28-363: Norfolk Southern Railway Company, 1200 Peachtree Street, Atlanta, GA 30309, in Antrim Township, **Franklin County**, ACOE Baltimore District

To: 1) extend and maintain an existing 57.0-foot long, 72.0-inch concrete arch culvert by 35.0 feet on the upstream side with a 6.0-foot wide by 6.0-foot high concrete box culvert including wing walls, and R-4 riprap in an unnamed tributary to Conococheague Creek (WWF, MF); 2) remove an existing 40.0-foot long, 4.0-foot by 6.0-foot concrete arch culvert and install and maintain two 114.0-foot long, 72.0-inch diameter, 6.0-inch uniformly depressed CMP culverts in an unnamed tributary to Conococheague Creek (WWF, MF); 3) relocate approximately 197.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); 4) remove an existing 45.0-foot long, 36.0-inch diameter CMP and install and maintain dual 102.0-foot long, 1.0-foot uniformly depressed, 78.0-inch diameter RCPs in an unnamed tributary to Conococheague Creek (WWF, MF); 5) relocate approximately 220.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); 6) remove existing dual 44.0-foot long, 18.0-inch by 30.0-inch stone box culverts and install and maintain an 80.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP in an unnamed tributary to Conococheague Creek (WWF,

MF); 7) install and maintain a 90.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP in an unnamed tributary to Conococheague Creek (WWF, MF); 8) install and maintain a 553.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter RCP including wing walls and R-4 riprap scour protection in an unnamed tributary to Conococheague Creek (WWF, MF); 9) fill approximately 705.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); 10) remove an existing 38.0-foot long, 34.0-inch high by 5.0-foot wide concrete box culvert and install and maintain a 90.0-foot long, 1.0-foot uniformly depressed, 4.5-foot high by 14.0-foot wide concrete box culvert with fish baffles, wing walls, and R-4 riprap scour protection in an unnamed tributary to Conococheague Creek (WWF, MF); 11) relocate 915.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); 12) extend and maintain an existing 56.0-foot long, 72.0-inch concrete arch culvert by 46.0 feet on the upstream side with a 6.0-foot wide by 6.0-foot high concrete box culvert, wing walls, and R-4 riprap scour protection in Paddy Run (WWF, MF); 13) relocate approximately 86.0 lineal feet of Paddy Run (WWF, MF); 14) install and maintain an 8.0-inch diameter sanitary sewer lateral with a 12.0-inch concrete encasement in and across an unnamed tributary to Conococheague Creek (WWF, MF); and 15) fill approximately 0.01 acre of PEM wetland. The location of the rail widening project runs north and south along the existing rail line beginning at a point just south of the intersection of Williamson Pike and Molly Pitcher Highway (Chambersburg, PA Quadrangle; N: 4.83 inches, W: 15.69 inches; Latitude: 39°46'35.8", Longitude: -77°44'12.1") and ending at a point approximately 1,000.0 feet north of Mason Dixon Road (Chambersburg, PA Quadrangle; N: 10.8 inches, W: 0.4 inch; Latitude: 39°43'43.1", Longitude: -77°45'10.5"). The proposed intermodal facility is located at the intersection of Minor Road and the existing rail line (Chambersburg, PA Quadrangle; N: 0.94 inch, W: 16.82 inches; Latitude: 39°45'18.6", Longitude: -77°44'40.8") in Antrim Township, Franklin County. The purpose of the project is to construct a regional intermodal facility to improve the movement of rail freight in the region. The project will permanently impact 2,399.0 linear feet of stream channel and 0.01 acre of palustrine emergent wetland. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland mitigation is not required. The applicant has proposed to restore a minimum of 900.0 linear feet of stream channel onsite and make a monetary contribution to a local stream restoration project to mitigate for permanent stream impacts.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA

7/8/2011

ESCGP-1 No.: ESX11-005-0012

Applicant Name: Appalachia Midstream Services LLC

CONTACT: Larry Sanders

Address: 3000 Ericsson Dr Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong Township(s): Rayburn

Receiving Stream(s) And Classifications: UNT

Cowanshannock Creek WWF, Cowanshannock Creek TSF

4/14/2011

ESCGP-1 No.: ESX11-005-0006

Applicant Name: Appalachia Midstream Services LLC

Contact Person: Larry Sanders

Address: 3000 Ericsson Dr Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong Township(s): Rayburn

Receiving Stream(s) and Classifications: UNT to

Cowanshannock Creek WWF/Cowanshannock Creek WWF TSF

6/10/11

ESCGP-1 No.: ESX11-051-0018

Applicant Name: Atlas America LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountview Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette Township(s): Redstone

Receiving Stream(s) and Classifications: UNT to Redstone Creek, Other

11/8/2011

ESCGP-1 No.: ESX10-059-0024 Major Revision

Applicant Name: Eastern American Energy Corp

Contact Person: Seth Burdette

Address: 1380 Route 286 Highway Suite 221

City: Indiana State: PA Zip Code: 15701

County: Greene Township(s): Cumberland

Receiving Stream(s) and Classifications: South Branch

Muddy Creek WWF, Lower Monongahela, Other

7/14/2011

ESCGP-1 No.: ESX11-125-0061

Applicant Name: Chevron Appalachia LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

COUNTY Washington Township(s): Centerville

Receiving Stream(s) and Classifications: UNT to

Monongahela River/Monongahela Watershed, Other

5/24/2011

ESCGP-1 No.: ESX11-059-0038

Applicant Name: Energy Corporation of America

Contact Person:

Address: 1380 Route 286 Highway East Suite 221

City: Indiana State: PA Zip Code: 15320
 County: Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: UNT to South
 Branch Muddy Creek/Muddy Creek, other

7/14/2011

ESCGP-1 No.: ESX11-059-0047
 Applicant Name: Coal Gas Recovery LLC
 Contact Person: Joanne Reilly
 Address: 158 Portal Road, P O Box 1020
 City: Waynesburg State: PA Zip Code 15370
 County: Greene Township(s): Jefferson
 Receiving Stream(s) and Classifications: UNT to Muddy
 Creek, UNT to South Fork Tenmile Creek, Other

6/30/2011

ESCGP-1 No.: ESX11-051-0024
 Applicant Name: Laurel Mountain Midstream, LLC
 Contact Person: Frank Canneto
 Address: 1605 Corapolis Heights Road
 City: Moon Township State: PA Zip Code: 15110
 County: Fayette Township(s): German
 Receiving Stream(s) and Classifications: UNT's to Dunlap
 Creek WWF, UNT to north branch of Browns Run WWF,
 north branch of Browns Run WWF, Monongahela River
 Watershed, Other

7/11/2011

ESCGP-1 No.: ESX11-063-0007
 Applicant Name: Atlas America LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Indiana Township(s): East Wheatfield
 Receiving Stream(s) and Classifications: UNT to
 Conemaugh River, Conemaugh River—Blacklick Creek
 Watershed, Other

7/1/11

ESCGP-1 NO.: ESX11-129-0019
 Applicant Name: XTO Energy Inc
 CONTACT PERSON: Bernhardt Kissel
 ADDRESS: 395 Airport Rd
 City: Indiana State: PA Zip Code: 15701
 County: Westmoreland Township(s): Fairfield
 Receiving Stream(s) and Classifications: Hypocrite Creek,
 Other

6/30/2011

ESCGP-1 NO.: ESX11-051-0025
 Applicant Name: Burnett Oil Company Inc
 CONTACT: Robert Hilliard
 ADDRESS: 601 Technology Drive
 Pointe Plaza Building Suite 120
 City: Canonsburg State: PA Zip Code: 15317
 County: Fayette Township(s): German
 Receiving Stream(s) and Classifications: South Brank
 Brown's Run EEF, Other

7/6/2011

ESCGP-1 NO.: ESX11-021-0007
 Applicant Name: Carrizo Marcellus LLC
 CONTACT: Gary Byron
 ADDRESS: 251 Drainlick Road, P O Box 231
 City: Drifting State: PA Zip Code: 16834
 County: Cambria Township(s): Dean
 Receiving Stream(s) and Classifications: Brubaker Run,
 Other

6/20/2011

ESCGP-1 NO.: ESX10-051-0040 Major Revision
 Applicant Name: Atlas America LLC
 CONTACT: Jeremy Hirtz
 ADDRESS: 800 Mountain View Drive

City: Smithfield State: Pa Zip Code: 15478
 County: Fayette Township(s): German
 Receiving Stream(s) and Classifications: UNT 41111 to
 Middle Run, Middle Monongahela Watershed, Other

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

ESCGP-1 # ESX11-015-0137
 Applicant Name EOG Resources, Inc.
 Contact Person Jon Jorgenson
 Address 400 Southpointe Boulevard
 City, State, Zip Canonsburg, PA 15317
 County Bradford County
 Township(s) Smithfield Township
 Receiving Stream(s) and Classification(s) UNT Tomjack
 Creek, Tomjack Creek

ESCGP-1 # ESX11-115-0085
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Bridgewater Township
 Receiving Stream(s) and Classification(s) South Branch
 Wyalusing Creek, UNT to South Branch Wyalusing
 Creek, All (WWF)

ESCGP-1 # ESX11-033-0019
 Applicant Name Flatirons Development, LLC
 Contact Person Todd Huey
 Address 910 Beaver Drive
 City, State, Zip Dubois, PA 15801
 County Clearfield County
 Township(s) Pine Township
 Receiving Stream(s) and Classification(s) Bear Run &
 Montgomery Creek/Chest—Anderson Creek,
 Secondary: Anderson Creek & West Branch
 Susquehanna River

ESCGP-1 # ESX11-015-0154
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Pike Township
 Receiving Stream(s) and Classification(s) Gaylord Creek
 (CWF/MF)

ESCGP-1 # ESX11-117-0001 (01)
 Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga/Lycoming Counties
 Township(s) Union and Liberty/Jackson and McIntyre
 Townships
 Receiving Stream(s) and Classification(s) Sugar Works
 Run; Mill Creek; West Mill Creek; French Lick Run;
 Salt Spring Run; Roaring Branch; and tributaries to
 Sugar Works Run; Mill Creek; West Mill Creek; French
 Lick Run; Salt Spring Run; Brion Creek, all (HQ—
 CWF—MF) and Red Run (CWF)

ESCGP-1 # ESX11-131-0025
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext., Suite 210
 City, State, Zip Wexford, PA 15090
 County Wyoming County
 Township(s) Lemon Township
 Receiving Stream(s) and Classification(s) Meshoppen

Creek and Billings Mill Brook, both (CWF);
Secondary: Tunkhannock Creek

ESCGP-1 # ESX11-117-0086
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) UNT to North
Elk Run and North Elk Run, both (CWF, MF)

ESCGP-1 # ESX11-117-0085
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) North Elk Run/
Susquehanna River Basin in PA (List H);
Secondary Water: North Elk Run to Elk Run to Tioga
River

ESCGP-1 # ESX11-117-0084
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Jackson Township
Receiving Stream(s) and Classification(s) UNT to Alder
Run, trib to Alder Run, trib to Bear Creek—
Susquehanna River Basin in Pennsylvania—West
Branch Susquehanna River (List L) Birch Creek (New
York)—Class B Fresh Surface Water Trout Spawning
Waters

ESCGP-1 # ESX10-015-0082 (02)
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Canton Township
Receiving Stream(s) and Classification(s) UNT to
Towanda Creek/Susquehanna River Basin (List I);
Secondary Water: Beech Flats Creek/Towanda Creek/
Susquehanna River

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-083-0047—Bayer Well C-1H
Applicant J-W Operating Company
Contact Jeffrey Sparks
Address 2200 Georgetowne Drive Suite 301
City Sewickley State PA Zip Code 15143
County Mckean Township(s) Sergeant(s)
Receiving Stream(s) and Classification(s) Warner Brook
(HQ-CWF), Wernwag Hollow (HQ-CWF)

ESCGP-1 #ESX11-047-0026—HM7 WT 3237 PAT
Applicant Hunt Marcellus Operating Company, LLC
Contact Mark Wagley
Address 106 N. Michael St, 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, Slide Run HQ-CWF

ESCGP-1 #ESX11-083-0048—Moody Lots 2011 Oil Well
Development
Applicant Lake Erie Energy Partners

Contact John Sturgill
Address 2005 West 8th Street, Suite 201
City Erie State PA Zip Code 16505
County McKean Township(s) Foster(s)
Receiving Stream(s) and Classification(s) Minard Run and
Kendal Creek Exceptional Value

ESCGP-1 #ESX11-065-0030—Lott Gathering Pipeline
Applicant EXCO Resources LLC
Contact Larry Sanders
Address 3000 Ericsson Drive Suite 200
City Warrendale State PA Zip Code 15086
County Jefferson Township(s) Henderson(s)
Receiving Stream(s) and Classification(s) UNT to Beaver
Run (HQ-CWF), Poose Run(CWF), Stump Creek (CWF)/
Allegheny River Watershed

ESCGP-1 #ESX11-019-0080 Grosick-Gilliland-Carson
Pipeline
Applicant Keystone Midstream Services
Contact Mike Brinkmeyer
Address 11400 Westmoor Circle Suite 325
City Westminster State CO Zip Code 80021
County Butler Township(s) Lancaster and Connoqueness-
ing(s)
Receiving Stream(s) and Classification(s) UNT to Crab
Run and Little Connoquenessing Creek (CWF)

ESCGP-1 #ESX11-083-0044A—Enervest Westline 2011
Phase 2
Applicant Enervest Operating, LLC
Address 22811 Titusville Road
City Pleasantville State PA Zip Code 16341
County McKean Township(s) Lafayette(s)
Receiving Stream(s) and Classification(s) Wintergreen
Run—CWF

ESCGP-1 #ESG11-053-0020—Warrant 2980 Phase 3
Applicant Sheffield Land & Timber Company
Contact R. Chris Cochran
Address PO Box 54
City Sheffield State PA Zip Code 16347
County Forest Township(s) Howe(s)
Receiving Stream(s) and Classification(s) West Branch
Blue Jay Creek, Blue Jay Creek—HQ, Tionesta Creek

ESCGP-1 #ESX11-019-0079—Hinch Smith Unit No. 1H
2H 3H
Applicant XTO Energy Inc
Contact Ben Kissel
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Butler(s)
Receiving Stream(s) and Classification(s) UNT of Butcher
Run—WWF, Butcher Run—WWF, Connoquenessing—
WWF

[Pa.B. Doc. No. 11-1432. Filed for public inspection August 19, 2011, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.e-library.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—New Guidance

DEP ID: 270-0810-007. Title: Policy on Clean Alternative Fuel Conversion Systems. Description: This policy provides guidance to clean alternative fuel conversion system manufacturers, installers and potential purchasers of conversion systems regarding the repair and warranties of emission control components on new passenger cars and light-duty trucks retrofitted with clean alternative fuel conversion systems. This policy also provides guidance to any person who sells, offers for sale, imports, delivers, purchases, leases, offers for lease, rents, acquires, receives, titles or registers a new passenger car or light-duty truck subject to the requirements in the Pennsylvania Clean Vehicles Program and which is retrofitted with a conversion system. This policy is intended to encourage more alternatively fueled vehicles to populate the light-duty vehicle fleet and inform sellers and consumers of clean alternative fuel technology of what they should be aware when considering the sale or purchase of this equipment. Written Comments: Interested persons may submit written comments on this Draft TGD by September 19, 2011. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Arleen Shulman, Chief, Division of Air Resource Management, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or ashulman@pa.gov.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1433. Filed for public inspection August 19, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brandywine Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

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@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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. 11-1434. Filed for public inspection August 19, 2011, 9:00 a.m.]

Application of Nazareth Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nazareth Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.16.2.2, 2.2-2.16.2.6, 2.2-2.16.2.7, 2.2-2.16.2.9, 2.2-2.16.9.1 and 2.2-2.16.4.2.

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@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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. 11-1435. Filed for public inspection August 19, 2011, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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. 11-1436. Filed for public inspection August 19, 2011, 9:00 a.m.]

Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 105.11(b) (relating to access).

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@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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. 11-1437. Filed for public inspection August 19, 2011, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public meeting on September 27, 2011, from 9 a.m. to 4 p.m. at the Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA.

There are three primary aims for the meeting: (1) to gather information on research needs related to diabetes; (2) to hear testimony from invited presenters on research needs and priorities; and (3) to discuss State Fiscal Year 2012-2013 health research priorities for the Commonwealth Universal Research Enhancement Program. Current and past state fiscal year priorities for both formula funded and nonformula funded health research are posted on the Department's web site at <http://www.health.state.pa.us/cure>.

This meeting is open to the public. No reservations are required to attend the meeting. Only those individuals who have previously submitted written testimony by the June 15, 2011, deadline may have the opportunity to address the Committee.

For additional information, contact Marina O. Matthew, RHIA, Director, Bureau of Health Statistics and Research or Violet Witmer, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, (717) 783-2548.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Violet Witmer at (717) 783-2548, or for speech and/or hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1438. Filed for public inspection August 19, 2011, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public meeting on November 9, 2011, from 9 a.m. to 4 p.m. at the Bureau of Health Statistics and Research, Forum Place Building, 555 Walnut Street, 6th Floor, Harrisburg, PA.

There are two primary aims for the meeting: (1) to review the findings of the 2008 nonformula health research projects on autism spectrum disorders and antibiotic resistance; and (2) to recommend State Fiscal Year 2012-2013 health research priorities for the Commonwealth Universal Research Enhancement Program.

This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony or comments, or both, are not part of the meeting agenda.

For additional information, contact Marina O. Matthew, RHIA, Director, Bureau of Health Statistics and Research or Violet Witmer, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, (717) 783-2548.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Violet Witmer at (717) 783-2548, or for speech and/or hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1439. Filed for public inspection August 19, 2011, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

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 a public meeting on Wednesday, September 21, 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 previously listed 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. 11-1440. Filed for public inspection August 19, 2011, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Integrated Council Public Meeting

The Statewide Integrated HIV Planning Council, 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 a public meeting on Tuesday, September 20, 2011, from 9 a.m. to 2 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, 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 Joseph Pease at the previously listed 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. 11-1441. Filed for public inspection August 19, 2011, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add Promethazine when prescribed for children under 6 years of age to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for Promethazine when prescribed for children under 6 years of age dispensed on or after August 22, 2011.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for the previously listed medication.

Fiscal Impact

While it is anticipated that the prior authorization requirement will result in savings, this change is expected to have minimal fiscal impact in the MA Out-patient Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-711. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1442. Filed for public inspection August 19, 2011, 9:00 a.m.]

DEPARTMENT OF STATE

Election for the Office of Judge of the Philadelphia Court of Common Pleas

On July 26, 2011, the Secretary of the Commonwealth received written notice that Judge Howland Abramson has revoked his declaration of candidacy for retention as a Judge of the Philadelphia Court of Common Pleas. Under the Constitution and laws of the Commonwealth, an election for the judicial office held by Judge Abramson will occur as part of the Municipal Election to be held November 8, 2011.

In the Municipal Election, the electors of the Commonwealth will elect 11 Judges of the Philadelphia Court of Common Pleas. Each elector will be entitled to vote for up to 11 candidates, with the 11 candidates receiving the largest number of valid votes being elected.

In the Municipal Primary held May 17, 2011, the electors of the Republican Party and the Democratic Party nominated ten candidates for the office of Judge of the Philadelphia Court of Common Pleas. By law, each of the certified Statewide political parties of this Commonwealth—the Republican Party and the Democratic Party—will be permitted to nominate one additional candidate for the Philadelphia Court of Common Pleas by submitting to the Secretary of the Commonwealth, no later than September 19, 2011, a nomination certificate in the form prescribed by law and prepared in accordance with the applicable rules of the political party. See sections 978.3, 993 and 994 of the Pennsylvania Election Code (25 P. S. §§ 2938.3, 2953 and 2954). Political bodies will be permitted to nominate a candidate by filing with the Secretary of the Commonwealth, no later than September 19, 2011, nomination papers prepared and submitted in accordance with the requirements of sections 978.3, 993 and 994 of the Pennsylvania Election Code.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 11-1443. Filed for public inspection August 19, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Allstate Fire and Casualty Insurance Company; Homeowners; Rate Revisions

On August 3, 2011, the Insurance Department (Department) received from Allstate Fire and Casualty Insurance Company a filing for rate level changes for homeowners insurance.

The company requests an overall 20% increase amounting to \$26,350,000 annually, to be effective September 5, 2011, for new business and October 20, 2011, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 2, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1444. Filed for public inspection August 19, 2011, 9:00 a.m.]

State Farm Fire and Casualty Company; Private Passenger Automobile; Rate and Rule Revisions

On July 28, 2011, the Insurance Department (Department) received from State Farm Fire and Casualty Company (Company) a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The Company requests an overall 2.9% increase amounting to \$2,676,104 annually, to be effective on November 21, 2011. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to September 26, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1445. Filed for public inspection August 19, 2011, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Private Passenger Automobile; Rate and Rule Revisions

On July 28, 2011, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company (Company) a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The Company requests an overall 1.3% decrease amounting to \$16,510,601 annually, to be effective on November 21, 2011. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to September 26, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1446. Filed for public inspection August 19, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Compliance of Commonwealth of Pennsylvania with Section 410(a) of the American Recovery and Reinvestment Act of 2009

Public Meeting held
July 28, 2011

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; James H.
Cawley; Wayne E. Gardner; Pamela A. Witmer

*Compliance of Commonwealth of Pennsylvania with
Section 410(a) of the American Recovery and Reinvestment
Act of 2009; Doc. No. I-2009-2099881*

Order

By the Commission

By order adopted April 16, 2009, the Commission initiated this investigation to ensure compliance by the Commonwealth of Pennsylvania with Section 410(a) of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 410(a), 123 Stat. 115 (2009) (ARRA). Section 410(a) of the ARRA conditions the allocation of certain Federal funds to the Commonwealth of Pennsylvania on a requirement that the Commission consider implementing ratemaking policies for electric and gas utilities that align their financial incentives with the promotion of energy efficiency and conservation.

The investigation has sought input from interested parties such as Pennsylvania electric and gas utilities, industrial customers, and Statutory advocates regarding potential Commission actions that might be needed to satisfy the requirements of Section 410(a) of the ARRA. Section 410(a)(1) of the ARRA states:

The Secretary shall make grants under this section in excess of the base allocation established for a State under regulations... only if the governor of the recipient State notifies the Secretary of Energy in writing that the governor has obtained necessary assurances that each of the following will occur:

The applicable State regulatory authority will seek to implement, in appropriate proceedings for each electric and gas utility, with respect to which the State regulatory authority has ratemaking authority, a general policy that ensures that utility financial incentives are aligned with helping their customers

use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.

In response to this requirement, Governor Rendell issued a letter to the Secretary of Energy on March 23, 2009, certifying that he had written to the Pennsylvania Public Utility Commission asking that it ensure adoption of the general policy described in Section 410(a) of the Recovery Act. On the same day, Governor Rendell issued a letter to Commission Chairman Cawley, asking that the Commission:

[C]onsider additional steps the Commonwealth can take to establish appropriate incentives in electric and natural gas utility rates for energy efficiency programs, consistent with State law, the attached statute and relevant PURPA requirements. These include policies to align interests of utilities to support conservation without raising the cost of conservation and increasing the cost to ratepayers of measurable, verifiable efficiency savings.

In response to the Governor's letter, the Commission issued an Order initiating this investigation by order adopted April 16, 2009. Parties submitted Comments on July 6, 2009, and Reply Comments on August 6, 2009. The Commission held a technical conference on November 19, 2009. Based on the discussions at the technical conference, on December 18, 2009, the Commission issued a Secretarial Letter seeking the formation of a working group to further discuss issues regarding the ARRA and to prepare a report regarding potential policies that could be implemented by the Commission to ensure compliance with the ARRA. The working group was formed on January 18, 2010, and held meetings on March 10, 2010, April 28, 2010, and June 9, 2010. The working group issued a Final Report on January 21, 2011. Comments were received regarding the Final Report on February 23, 2011 and March 10, 2011.

The participants in this Investigation have differed over the meaning of Section 410(a). The parties have generally divided themselves into two camps on a key question of whether the Commission needs to do "more" than it is already doing under existing Pennsylvania law and Commission policies in order to satisfy Section 410(a). One group believes that the Commission should implement a policy that will facilitate some additional measures to satisfy Section 410(a), and the other group believes that the Commission's existing policies and programs, when combined with this Investigation, already meet Section 410(a) requirements regarding programs and policies that align utility financial incentives with energy conservation goals.

Another key question is if the Commission determines that it should implement a policy regarding some additional measures that may also help satisfy Section 410(a), then how should the additional measures be facilitated and what additional measures would be useful. Importantly, the parties to the Investigation concluded that if the Commission wished to address additional measures, then the Commission should indicate, in general terms, what measures the Commission would consider as beneficial for Pennsylvania to meet its obligations under Section 410(a). In addition, the parties concluded that the specifics for any such particular measure should be fully considered in a future proceeding, specific to individual

utilities, rather than addressed in the Commission's determination for this Investigation.

While the explicit meaning of Section 410(a) might be a subject of debate, the intent of the section is clearly to align utility ratemaking methods with energy conservation. The language in Section 410(a) can be read to suggest that the Commission satisfies the legal standard if it merely undertakes an exercise that considers (but does not implement) a "policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently . . ." The statute does not explicitly prescribe qualified policies or rate making changes that would serve to satisfy Section 410(a). Based on our review of our existing ratemaking policies and practices, the Commission believes that Pennsylvania is presently undertaking a number of activities which help Pennsylvania satisfy the Section 410(a) requirements to align utility financial incentives with energy conservation. Nevertheless, the Commission believes that consideration of additional policies in this regard is worthwhile to ensure that Pennsylvania's Section 410(a) requirements are met.

I. Existing Pennsylvania Policies and Laws that Address Section 410(a).

The Commission and Pennsylvania law already support and address some of the policy goals in Section 410(a). Specifically the following policies of the Commission already meet these goals:

1. The unbundling of electric generation and natural gas costs (supply costs) from distribution and transmission costs, and the competitive procurement of supply costs.
2. The elimination of declining block rates.
3. The energy consumption and peak demand reductions mandated by Act 129 of 2008.
4. Verification of energy efficiency savings and the cost effectiveness of such measures through use of the Technical Reference Manual ("TRM") and the Total Resource Cost ("TRC") Test.
5. The inclusion of energy efficiency and demand-side response activities in Pennsylvania's Alternative Energy Portfolio Standards ("AEPS") Act.
6. Public Utility Code Sections that promote weatherization and other energy conservation measures for low-income customers.
7. Public Utility Code Sections that grant the Commission authority to implement conservation measures and recover appropriate costs in rates.

Each will be discussed in turn.

1. Supply Portion of Rates Competitively Procured.

Pennsylvania has separated the supply costs from distribution and transmission costs. Supply costs are competitively procured. Through the implementation of rate unbundling, the movement to enable direct access by customers to competitive supply alternatives and the authorization for utilities to fully recover all reasonable costs related to the Provider of Last Resort (POLR) or Supplier of Last Resort (SOLR) roles, utilities revenues and profits are effectively not impacted by generation costs.

The Electric Generation Customer Choice and Competition Act (Competition Act) required electric distribution companies (EDCs) to unbundle transmission, distribution and generation rates for retail customers. See 66 Pa.C.S.,

§ 2802(14); see also 66 Pa.C.S. §§ 2801—2812. Specifically, the Competition Act provided all customers in Pennsylvania with the opportunity to purchase supply from Electric Generation Suppliers (EGSs). 66 Pa.C.S. § 2806(a). The rates charged by EGSs reflect the costs incurred by the EGS in the wholesale market to arrange for the customer's supply service. The EDC is responsible solely for delivering electricity to those customers who shop, and for providing POLR (also known as default service) supply for those customers who do not buy their electricity from an EGS, or whose EGS fails to provide the promised supply. 66 Pa.C.S. § 2809(e); 52 Pa. Code § 54.184(a). When an EDC acquires electricity for customers not served by an EGS, the EDC is functioning as the "default service provider." EDCs must obtain POLR supply by competitive procurement, approved by the Commission.

Similar to the Electric Generation Customer Choice and Competition Act enacted in 1996, the Natural Gas Choice and Competition Act (Natural Gas Competition Act) was enacted in 1999 and unbundled rates for Pennsylvania's Natural Gas Distribution Companies (NGDCs). See 66 Pa.C.S. §§ 2201—2212. More specifically, the Natural Gas Competition Act extended the availability of transportation service to all retail natural gas customers, regardless of size; however, in recognition of the satisfactory level of supply competition for Large Commercial and Industrial (C&I) customers, the Natural Gas Competition Act created a supplier of last resort (SOLR) obligation for NGDCs that was limited to supply service for residential, small commercial, small industrial and essential human needs customers. See 66 Pa.C.S. § 2207(a)(1). NGDCs must obtain gas through least-cost mechanisms. Least-cost mechanisms foster competitive procurement of supply in Pennsylvania, which assists energy users in seeing the actual costs of supply.

Since utilities' revenues and profits are effectively not impacted by generation costs, utility revenues are effectively not impacted by energy conservation programs with regard to supply costs. Competitive procurement of supply thereby eliminates many problems in aligning utility ratemaking policies with energy conservation goals, as supply costs constitute the majority of the overall customer costs to provide utility service.

2. Elimination of Declining Block Rates.

The elimination of declining block rates has been promoted by the Commission as a policy that enables customers to use energy more efficiently, consistent with Section 410(1)(a). Previously, under cost of service rate regulation, electricity rates were sometimes designed so that per unit charges decreased as a customer's usage increased. Upon implementation of the Electricity Generation Customer Choice and Competition Act in 1996, and the subsequent creation of a policy statement regarding default service in 2007, the Commission determined that declining block rate structures should no longer be implemented or encouraged. The Policy Statement on Default Service and Retail Electric Markets illustrates this point. Specifically, Section 69.1810 of the Policy Statement provides that "[r]etail rates should be designed to reflect the actual, incurred cost of energy and therefore encourage energy conservation. The [price to compare] should not incorporate declining blocks, demand charges or similar elements." 52 Pa. Code § 69.1810.

3. Act 129 Energy Consumption and Peak Demand Reductions.

On October 15, 2008, Governor Rendell signed into law House Bill 2200, or Act 129 of 2008 (Act 129). 66 Pa.C.S.

§§ 2806.1 et seq. Among other things, Act 129 expands the Commission's oversight responsibilities and sets forth new requirements on EDCs for energy conservation, default service procurements, the expansion of alternative energy sources, and the inclusion of a smart meter program. Act 129 also establishes prescriptive targets for energy conservation, with the ability to recover costs from ratepayers and a potential fine if the targets are not met. The Commission was charged with establishing energy efficiency and conservation (EE&C) programs for Pennsylvania.

Specifically, Act 129 requires each EDC with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory, to meet reduction benchmarks over several years. Act 129 requires EDCs with more than 100,000 customers to adopt a plan, approved by the Commission, to reduce electric consumption by at least 1% by May 1, 2011, and by at least 3% by May 31, 2013, adjusted for weather and extraordinary loads. 66 Pa.C.S. § 2806.1(c). In addition, by May 31, 2013, peak demand is to be reduced by a minimum of 4.5% of the EDC's annual system peak demand in the 100 hours of highest demand,¹ measured against the EDC's peak demand during the period of June 1, 2007 through May 31, 2008. 66 Pa.C.S. § 2806.1(d). Act 129 also mandates the use of smart meter technologies in order to help make energy rates and bills more understandable to consumers, thus increasing customers' ability to actively conserve energy. 66 Pa.C.S. § 2807(f)(1).

Act 129 set an aggressive schedule for Commission review and approval of each EDC's individual EE&C plans. Once the EE&C plans have been approved, Act 129 requires the Commission to monitor and verify the data collection, quality assurance and results of each EDC's EE&C plan as well as the Pennsylvania program as a whole. 66 Pa.C.S. § 2806.1(a). Act 129 represents a comprehensive effort by the Pennsylvania General Assembly to enact energy efficiency and ratemaking standards for EDCs.

The financial incentives for utilities in Act 129 consist of cost recovery mechanisms from ratepayers for the costs of implementing its programs and penalties to the extent certain benchmarks are not met. Act 129 states that utilities are entitled to recover "all reasonable and prudent costs" associated with energy efficiency and conservation programs up to a cap of 2% of revenues. 66 Pa.C.S. § 2806.1(k)(1). The statute allows utilities to reflect lost sales and revenue during their base rate proceedings, but specifically prohibits revenue decoupling to obtain additional compensation between rate cases. 66 Pa.C.S. § 2806.1(k)(3). The statute also includes financial penalties for utilities that do not achieve the efficiency goals. 66 Pa.C.S. § 2806.1(f).

Act 129 also gives utilities the autonomy and additional resources to create sustainable conservation programs. Although Act 129 gives the Commission ultimate approval over the elements of each Plan, utilities have considerable autonomy in the creation of their respective conservation programs. This autonomy will result in programs that are adapted specifically to each utility, which will make it easier for utilities to achieve the Commonwealth's efficiency goals. Further, Act 129 provides assist-

ance to utilities through "conservation service providers" to help implement the efficiency programs. 66 Pa.C.S. § 2806.1(b)(1)(E).

4. *Technical Reference Manual & Total Resource Cost.*

Pennsylvania is positioned to evaluate energy efficiency measures implemented by EDCs for their cost-effectiveness and to measure and verify efficiency savings, consistent with Section 410(a)(1). First, the Public Utility Commission has adopted and maintained a Technical Reference Manual (TRM) as a tool to assess standard energy savings measures implemented by EDCs. Second, as directed by statute, the Commission has defined a Total Resource Cost test (TRC) to be used to determine the cost effectiveness of energy efficiency and conservation (EE&C) plans filed by Pennsylvania's larger EDCs.

The Commission first adopted the TRM as part of its implementation of the Alternative Energy Portfolio Standards Act of 2004, 73 P.S. §§ 1648.1—1648.8 (AEPS Act). The AEPS Act requires EDCs and EGSs to include a specific percentage of electricity from alternative energy resources in the generation that they sell to Pennsylvania consumers.² The level of alternative energy required gradually increases according to a fifteen year schedule, as set by the AEPS Act and the Commission. The AEPS Act defines "alternative energy sources" as including demand side management (DSM), energy efficiency (EE), and load management technologies. 73 P.S. § 1648.2.

The Commission worked in 2005 to establish standards for the verification and tracking of such DSM and EE measures. The Commission adopted the TRM as a "a consistent framework for calculating deemed savings for a menu of energy efficiency measures using supported assumptions and customer data as input values in industry-accepted algorithms."³ The TRM covers a menu of energy efficiency measures, such as a consumer's switch to energy efficient appliances or CFL light bulbs, available to reduce residential, commercial and industrial energy consumption. Through adoption and modification of the TRM, the Commission has shown a commitment to the development and application of tools to allow for measurement and verification of energy efficiency savings when Pennsylvania EDCs and customers implement DSM and EE measures. The Commission has updated the TRM to reflect additional energy efficiency technologies and new standard measures, to apply prospectively. By Order entered June 1, 2009, the Commission expanded and updated the TRM to address the dual purpose of implementation of EE&C measures required by Act 129 and continued use in identifying DSM/EE alternative credit amounts for AEPS Act and Act 129 compliance.⁴

By statute and Commission orders, Pennsylvania employs a Total Resource Cost test to evaluate the cost-effectiveness of individual EE&C plans implemented by Pennsylvania EDCs and how well those plans work towards Pennsylvania's goal of reduction in energy consumption. As part of the Pennsylvania EE&C programs, Act 129 of 2008 requires each of the larger EDCs "to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption" within their service territory. 66 Pa.C.S. § 2806.1(a). Act 129 directs the Commission to analyze

² Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the participation of Demand Side Management Resources, Docket No. M-00051865, Tentative Order at 2-3 (Pa. PUC Oct. 3, 2005) (Oct. 3, 2005 Implementation Order).

³ October 3, 2005 Implementation Order, at 5.

⁴ Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual Update, Docket No. M-00051865, Order, (Pa. PUC June 1, 2009).

¹ Consistent with its January 16, 2009, Energy Efficiency and Conservation Plan Implementation Order at Docket No. M-2008-2069887 (hereinafter "Implementation Order"), the Commission has adopted the use of 4.5% of the EDC's average of the 100 highest peak hours during the summer months of June, July, August, and September in 2007. Implementation Order, p. 21.

“the cost and benefit of each plan submitted under subsection (b) in accordance with a total resource cost test approved by the commission.” 66 Pa.C.S. § 2806.1(a)(3). Each EDC submitting a plan is required to “demonstrate that the plan is cost effective using a total resource cost test approved by the commission and provides a diverse cross section of alternatives for customers of all rate classes.” 66 Pa.C.S. § 2806.1(b)(1)(i)(H). Section 2806.1(m) defines “Total resource cost test” as “[a] standard test that is met if, over the effective life of each plan not to exceed 15 years, the net present value of the avoided monetary cost of supplying electricity is greater than the net present value of the monetary cost of energy efficiency conservation measures.” 66 Pa.C.S. § 2806.1(m).

Pennsylvania’s adoption of a Total Resource Cost Test, by statute and Commission order, provides a uniform standard for evaluation of whether EE&C measures proposed and implemented by EDCs are cost effective over the life of the measures in the EE&C plan. Section 410(a)(1) looks for measures that will sustain or enhance utility customer’s incentives to use energy more efficiently. Pennsylvania’s consideration of both the net present value and benefit-to-cost ratio of EE&C measures are consistent with the goals of Section 410(a)(1) that require measuring and verifying efficiency savings.

5. *The inclusion of energy efficiency and demand-side response activities in Pennsylvania’s Alternative Energy Portfolio Standards Act.*

The Alternative Energy Portfolio Standards (AEPS) Act, 73 P.S. §§ 1648.1—1648.8, includes demand-side management as a Tier II alternative energy resource. Specifically, the AEPS Act allows the following types of demand-side management activities (consisting of the management of customer consumption of electricity or the demand for electricity), among others, to qualify as Tier II resources:

- (i) implementation of energy efficiency technologies, management practices or other strategies in residential, commercial, institutional or government customers that reduce electricity consumption by those customers; and
- (ii) implementation of load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

73 P.S. § 1648.2(12).

Since rate cap expiration, all Pennsylvania suppliers (both default service providers and EGSs) must demonstrate that a percentage of their supply sold to retail customers is backed by Tier II resources. This creates a potential revenue stream to customers who pursue qualifying projects, consistent with Section 410(a)’s goals.

6. *Public Utility Code Sections that promote weatherization and other energy conservation measures for low-income customers.*

Pennsylvania’s Public Utility Code and regulations directly promote weatherization and other energy conservation measures for the benefit of low income consumers. In the 1980s, the Commission established the requirement that each electric and natural gas utility implement usage reduction programs for their low income customers, programs that have become known as the Low Income Usage Reduction Program (LIURP). 52 Pa. Code Chapter 58. Section 58.1 of the Commission’s regulations makes

clear that such LIURP efforts are to assist low income consumers in conserving energy and to also reduce demand for electricity and gas overall as well as during periods of peak demand.

Later, as Pennsylvania undertook the restructuring of its electric industry to introduce retail choice for customers, and expanded retail choice for its natural gas customers in 1996 and 1999, respectively, the Pennsylvania General Assembly took care to ensure the continuation of these energy conservation programs and to ensure the full and current recovery of dollars spent on the programs. 66 Pa.C.S. §§ 2802(17); 2804(8) and (9); and 2203(6), (7), and (8). Thus, as part of Pennsylvania’s move to competitive markets for electric generation, Sections 2802(17) and 2804(8) continued Pennsylvania’s “universal service and energy conservation policies, protections and services, and full recovery of such costs” through a cost recovery mechanism designed to fully recover the electric utility’s costs over the life of the programs. 66 Pa.C.S. §§ 2802(17), 2804(8).

As part of the natural gas retail choice law, the General Assembly ensured that universal service and energy conservation programs are appropriately funded, are available in the territory of each natural gas distribution company, and operated to help low income consumers reduce energy consumption to make natural gas service more affordable. 66 Pa.C.S. §§ 2203(6), (7), and (8). These programs are to be operated in a cost-effective manner and natural gas distribution utilities are allowed to fully recover these program costs through a cost-recovery mechanism. Id.

As approved by the Commission, electric distribution companies and natural gas distribution companies have implemented LIURP measures to assist consumers with household incomes below 200 percent of federal poverty guidelines, with the majority of assistance designated for households below the 150 percent of federal poverty level mark. Low income consumers with the highest energy consumption are given priority, as they offer the greatest potential for bill reduction and energy conservation. LIURP measures may address reduction of heating demand, water heating demand or other household energy consumption such as lighting. LIURP assistance is available to consumers, whether homeowners or renters. This way, LIURP assists in reduction of energy consumption and improvement of the quality of housing stock. LIURP measures offer both immediate and long-term benefits to the consumer, the utility, and the public.

Act 129 of 2008 reflects Pennsylvania’s continued commitment to aid low income households in reducing their energy consumption and to reduce their energy bills. Section 2806.1(b)(1)(G) requires each EDC’s EE&C plan to “include specific energy efficiency measures for households at or below 150% of the Federal poverty guidelines.” 66 Pa.C.S. § 2806.1(b)(1)(G). As Act 129 makes clear, these specific energy efficiency measures are to be coordinated with other existing programs designed to assist low income consumers in conserving energy. Id. Act 129 specifies that the expenditures to meet this Section 2806.1(b) requirement are in addition to the EDC’s expenditures to support LIURP. Id.

Pennsylvania electric distribution and natural gas distribution utilities already have cost-effective LIURPs that provide low income consumers with support to allow for weatherization to reduce energy consumption. Additionally, Act 129 of 2008 requires EDCs to implement energy efficiency measures designed to further assist low income consumers in reducing energy consumption. As provided

by the Pennsylvania Public Utility Code, full and timely cost recovery for these programs is provided through reconcilable surcharge mechanisms.

7. *Public Utility Code Sections that grant the Commission authority to implement conservation measures and recover appropriate costs in rates.*

- 66 Pa.C.S. § 1319 *Recovery of conservation expenses;*
- 66 Pa.C.S. § 523(b)(4) *Conservation; and*
- 66 Pa.C.S. § 1505(b).

The Commission's authority to require utilities to implement conservation measures and recover appropriate costs in rates is found in several provisions of the Public Utility Code. Both the Commission and the General Assembly have long recognized the importance of energy conservation and energy efficiency measures to Pennsylvania's future. In 1986, the General Assembly included several provisions in the Pennsylvania Public Utility Code to address the implementation of energy conservation measures by electric and natural gas utilities, to provide for timely cost recovery of any implemented measures, and to provide for performance factor considerations related to actions (or failure to act) to encourage the development of conservation and load management measures. Specifically, through the 1986 amendments known as Act 114 of 1986, the following sections were included in the Public Utility Code:

Section 1319—Financing of energy supply alternatives (specifically conservation and load management programs): This section provides for the recovery of prudent and reasonable costs of conservation and load management programs. The PUC may allow recovery of prudent and reasonable costs for developing, managing, financing and operating conservation programs through a surcharge.

Section 523(b)(4)—Performance factor considerations related to conservation and load management: This section provides for consideration for actions or failure to act to encourage the development of cost effective conservation and load management programs when determining just and reasonable rates.

Section 1505(b)—Authority to order conservation and load management: This section provides that the Commission may order a utility to establish a conservation and load management program as part of determining or prescribing safe, adequate and sufficient service. The plan must be "prudent and cost-effective."

Accordingly, Pennsylvania law has adopted and presently includes these several measures that reflect state policies to better align utility financial incentives with energy conservation.

II. *Additional Commission Measures That Address Section 410(a) Goals.*

Although the Commission believes that Pennsylvania has taken many steps to align utility financial incentives with energy conservation that satisfy Section 410(a)'s requirements, more can be done to further the goal of promoting energy conservation without damaging utilities' legitimate financial interests.

1. *Utility Flexibility.*

Gas and electric utilities assert that they should be provided with the flexibility to employ the energy conservation programs best suited for their service territories. Flexibility in program design is important to meeting the

various needs of the diverse utility service territories in Pennsylvania. Distinction in methodology exists between EDCs and NGDCs. Distinctions also need to be made within industries, including: regional differences (e.g., between eastern and western NGDCs) and differences between types of customers (e.g., residential, small commercial, and large commercial/industrial). Recognition of the varying requirements of urban/suburban/rural customer needs should also be considered. Also important is the consideration of whether a specific utility's customer base is growing or shrinking, based on regional demographics.

Because of these broad differences, the Commission believes it must provide great flexibility to utilities to address energy conservation goals. By doing so, utilities will be more willing to initiate energy conservation programs. The Commission also believes that energy conservation initiatives should generally be proposed by utilities, rather than imposed by the Commission. In this way the programs will have the most flexibility to be most suitable to each specific utility.

2. *Use of pilot programs.*

The Commission believes that use of pilot programs is an effective means of testing the usefulness of a specific energy conservation method. Pilot programs to test utility program designs have been used in the Commonwealth previously. Pilot programs have been effectively used to test the design of low-income residential customer assistance programs as well as small customer transportation programs. A pilot program will identify what does and does not work before a large scale version of the program is implemented.

3. *Modified straight fixed-variable.*

Modified straight fixed-variable (MFV) is descriptive of the energy industry rate structures currently in place in Pennsylvania, whereby a portion of fixed costs are recovered through fixed customer charges and the balance through volumetric rates. The balance between fixed and volumetric recovery has been loosely driven by the qualification of costs as "customer direct" and "customer indirect" costs, as well as a historical practice of the Commission to keep monthly residential customer charges low. Since rates are calculated based on average billing determinants, there will always be disparity among the members of a specific rate class whose usage patterns vary from the average. Recovering a greater portion of fixed costs through variable rates exacerbates that disparity and creates a subsidy of low-use customers by high-use customers; it may also provide a greater relative incentive to conserve.

MFV can result in some utility revenue stream volatility associated with weather fluctuation and high volumetric rates. Extreme weather can result in periodic windfalls to the utilities and a corresponding burden placed on consumers. Alternatively, negative financial indicators from under-recovery of costs in milder than "normal" weather periods could impede a utility's ability to earn a Commission-authorized rate of return. Since the goal of ARRA Section 410(a) is to promote conservation by electric and natural gas consumers, the Commission believes that reasonable, limited, fixed charges will generally benefit utility customers that conserve most effectively, since reductions in usage will result in greater reductions in the variable (usage based) portion of customer's monthly energy bills.

4. *Time-of-use rates (higher rates for on-peak usage).*

Time-of-use (TOU) rate structures incorporate varying prices applicable to usage based upon the time period in which the energy is consumed. By sending clear price signals to the consumer of the wholesale cost of purchasing electricity depending on the time of day, time-of-use (TOU) rates provide incentive to shift demand and usage from peak price periods to lower price periods or reduce consumption overall. The success of TOU rates can contribute to the social and environmental goals of conservation and responsible energy demand management.

Implementation of TOU rate structures, however, requires more sophisticated metering and communications infrastructure than simple kWh meters, the cost of which can offset the savings to be achieved through usage reduction or load shifting. Additional consumer education costs must also be incurred so that consumers can understand how to benefit from such rate designs. TOU rates send relevant price signals to the consumer regarding the cost of the commodity being purchased at high-cost time periods, and therefore will encourage energy conservation at these critical times.

On the other hand, TOU rates can cause greater variability in utility revenues, since a greater portion of utility revenues will be anticipated to be earned in the higher-priced time periods. If customers time shift their usage to a great extent, utility revenues will be lower than anticipated. Given the greater potential for energy conservation, the Commission believes it would be appropriate to consider time-of-use rate pricing, if proposed by a utility. The Commission believes that TOU rates should only be offered to customers on a voluntary (opt-in) basis.

The Commission notes that the mandates of Act 129, with respect to the deployment of smart metering and appropriate cost recovery and the availability of TOU rates position this rate design to be a potentially effective conservation and demand reduction tool. Under Act 129, electric default service providers “shall offer” time-of-use and real-time price plans to all customers with smart meter technology; and residential and commercial customers “may elect” to participate in such pricing plans. 66 Pa.C.S. § 2807(f)(5).

5. *Seasonal rates (higher rates for seasonal peak usage).*

Similar to TOU rates, seasonal rates reflect the varying nature of the cost of energy production, but over the year as opposed to within a day. Typically, the seasons are structured as summer/winter or non-heating/heating seasons although “shoulder” (spring and fall) periods can be included as well. Application of seasonal rates does not require the same level of technology as does a TOU rate structure. By increasing the price of energy during high usage time periods, customers have greater incentive to conserve during those times.

Doing so, however, can cause greater variability in utility revenues. If the weather is mild during usual high priced time periods (such as August or February), then utility revenues will be unusually low. Conversely, if the weather is harsh in such time periods, the utility will likely exceed their anticipated revenue requirement. Given the greater potential for energy conservation, the Commission believes it would be appropriate to consider seasonal rate pricing, if proposed by a utility.

6. *Positive incentives to utilities to promote energy conservation.*

Positive incentives provide benefits to utilities when they succeed in energy conservation efforts. At the

present time Pennsylvania does not provide any such positive incentives to utilities. As utilities generally receive greater earnings when they sell more energy, energy conservation efforts can hurt their bottom line. Providing positive incentives can cushion the impact on earnings and “put utilities in the energy conservation business.”

The Commission believes that a “one size fits all” approach to incentives is not the best approach. The better alternative is for financial incentives and conservation programs to be established via a collaborative effort between utilities and the Commission so that each utility establishes programs that will work to the benefit of that utility and its customers.

a. *Performance target incentives.*

Utility conservation programs generally provide energy conservation targets to enable the utility to carry out the program, and for the Commission to gauge the effectiveness of the program. If a utility does meet the energy conservation targets, the program should provide a benefit to the utility. This incentive will motivate the utility to carry out the program effectively. As an example of a performance incentive, a utility may not be able to earn a reward for meeting less than 70% of the goal but their reward is capped once they achieve 130% of the goal. Awards are usually calculated as either a percentage of the overall program budget or a fixed amount per approved program. In this way, the provider is given the incentive to not just meet minimum energy efficiency standards, but to make efficiency programs as successful as possible. These rewards could be paid for through a surcharge to ratepayers the following year, or reflected as a regulatory asset or in the rate of return given to a utility in a future base rate proceeding.

b. *Shared energy savings between utility and customer.*

One method to provide a positive incentive to utilities for implementing their energy conservation programs is to share the energy savings between the utility and the customer. If the customer saves on their utility bill due to the customer’s participation in the utility’s energy conservation program, the utility would receive a portion of that savings. Generally the way that such a program is implemented is that the customer would not receive the full reduction in their utility bill due to the energy savings. This way the utility is not losing as much revenue as it would otherwise lose from the energy conservation program.

In addition, the utility benefits from energy conservation, thereby providing motivation to pursue the conservation program. The utility could receive an increasing percentage of the savings as the utility or consumer conserves a greater amount of power or more consumers participate. This gives the utility an incentive to increase participation and energy savings rather than only meet minimum standards. As with performance target incentives, these benefits are often paid for through a surcharge the following year, or could be reflected as a regulatory asset or in the rate of return given to a utility in a future base rate proceeding.

c. *Rate-of-return adder in a base rate proceeding.*

A rate-of-return adder is a form of positive incentive to a utility that meets energy conservation program goals. If the utility meets the program goals, it can ask for an adder to its rate of return in its next base rate case. The adder would increase depending on the amount of energy conservation that was achieved. The rate-of-return adder provides a strong incentive for utilities to offer greater energy conservation programs.

d. *Capitalizing EE and DSM investments.*

Utilities could capitalize their energy efficiency and demand-side reduction programs and possibly earn a rate-of-return higher than traditional supply-side investments. The costs of the energy efficiency investments or demand reduction programs could become regulatory assets just as if the money was invested in new equipment or infrastructure. The utility can then recover these costs during its next rate case. The utility can then earn a profit on energy efficiency investments and demand reduction programs through its rate base and can meet customers' needs through either demand or supply side investments.

7. *Allow for full recovery of costs for assets retired due to energy conservation.*

As energy conservation programs succeed in reducing energy usage, it is likely that utilities will retire assets to reflect the usage reduction. In addition, utilities may seek to install more energy-efficient equipment and then seek to retire less energy-efficient equipment that might otherwise still be useful in providing utility services. In these situations, the utilities would not be as financially impacted if they were able to obtain some cost recovery for such assets. By allowing some cost recovery of such assets, the utilities will have a greater incentive to undertake such energy conservation efforts.

8. *Act 129 and Recovery of Lost Revenues.*

Section 410 (a) of the ARRA is designed to encourage through appropriate proceedings, general state ratemaking policies that align financial incentives with the efficient use of energy and which provide timely cost recovery and timely earnings opportunities for both natural gas and electric utilities. Prior to the enactment of the ARRA, the Commonwealth of Pennsylvania enacted Act 129 of 2008, requiring electric utilities to implement specific energy efficient and conservation plans, and establishing certain load reduction targets that electric distribution companies must meet, as well as requiring electric utilities to deploy smart meter technology to all customers within fifteen years.

Act 129 allows for recovery of costs through an automatic adjustment clause, but specifically excludes from such an automatic adjustment mechanism the recovery of decreased revenues of an electric distribution company due to reduced energy consumption or changes in energy demand resulting from the implementation of energy efficiency and conservation plans. 66 Pa.C.S. § 2806.1(k) states:

1) An electric distribution company shall recover on a full and current basis from customers, through a reconcilable adjustment clause under section 1307, all reasonable and prudent costs incurred in the provision or management of a plan provided under this section. This paragraph shall apply to all electric distribution companies, including electric distribution companies subject to generation or other rate caps.

2) Except as set forth in paragraph (3), *decreased revenues of an electric distribution company due to reduced energy consumption or changes in energy demand shall not be a recoverable cost* under a reconcilable automatic adjustment clause.

3) Decreased revenue and reduced energy consumption may be reflected in revenue and sales data used to calculate rates in a distribution-base rate proceeding filed by an electric distribution company under section 1308 (relating to voluntary changes in rates)

66 Pa.C.S. § 2806.1(k). (Emphasis added).

Further, in the smart meter technology section of Act 129, the recovery of any lost or decreased revenues of an electric distribution company due to reduced electric consumption or shifting energy demand is also strictly prohibited outside the context of a prospective base rate proceeding. 66 Pa.C.S. § 2807(f)(4)(ii). Section 2807(f)(4) specifically states:

4) *In no event shall lost or decreased revenue by an electric distribution company due to reduced electricity consumption or shifting energy demand by considered any of the following:*

i. *A cost of smart meter technology recoverable under a reconcilable automatic adjustment clause under section 1307(b), except that decreased revenues and reduced energy consumption may be reflected in the revenue and sales data used to calculate rates in a distribution rate case proceeding filed under section 1308 (relative to voluntary changes in rates).*

ii. *A recoverable cost.*

66 Pa.C.S. § 2807(f)(4). (Emphasis added).

EDCs assert that lost revenue for an EDC that is caused by the implementation of mandated energy efficiency programs can be defined as revenue that an EDC will not receive in a current year because distribution charges that are tied to energy usage are reduced due to the reduced consumption. In the current regulatory environment, if the lost revenue is not recovered through a base rate case proceeding, then the EDC would not recover those revenues, hence causing the EDC to be faced with a disincentive of losing those revenues forever by implementing energy efficiency programs.

In contrast, the consumer parties contend that the EDCs are fairly compensated by immediate automatic recovery of all the costs of the Act 129 programs and are permitted to reflect reductions in revenues due to Act 129 prospectively if and when they file a base rate case. Section 410(a) requires the ratemaking policies to "provide timely cost recovery and a timely earnings opportunity for utilities associated with cost effective measurable and verifiable efficiency savings"; Section 410(a) does not necessarily require absolutely certain revenue neutrality. They assert that no additional incentives are needed because the Act 129 requirements are mandated as a matter of state law and the EDCs are subject to explicit monetary penalties if they do not meet those mandates. In any case, the consumer parties contend that the Pennsylvania General Assembly has spoken clearly and directly on this subject and it is not the role of the Commission to disregard that policy in an attempt to secure federal funds.

The Commission believes that the statutory language of Act 129 indicates that decreased revenues of an electric distribution company due to reduced energy consumption resulting from Act 129 conservation programs can be recovered, to the extent that such revenues can be recovered, by being reflected in revenue and sales data used to calculate rates in a distribution base rate proceeding. The Commission also believes that 66 Pa.C.S. § 523(b)(4) provides the Commission with authority to consider positive incentives for EDCs when determining just and reasonable rates in a base rate proceeding based upon an EDCs' success regarding its Act 129 energy conservation program, and that Act 129 can be read harmoniously with Section 523(b)(4). Given Act 129's limitations regarding an EDCs' recovery of decreased revenues resulting from an Act 129 energy conservation

program, it is important to distinguish between a positive incentive given to an EDC based on its success in implementing an Act 129 program and any such decreased revenues resulting from an Act 129 energy conservation program. Therefore any positive incentive sought by an EDC in a base rate proceeding because of success with an Act 129 program should not be based upon any such decreased revenues, but instead should be based upon measurable success at meeting the objectives of the Act 129 plan.

III. Conclusion.

Upon consideration of the Section 410(a) of the ARRA and our review of existing Commission policies and practices in regard to energy conservation, it appears that the Commission has already given consideration to and, further, has adopted numerous policies and practices that, in the aggregate, reflect a general policy to align utility financial incentives with cost-effective and verifiable energy conservation by consumers. Indeed, to highlight just one key example, by virtue of Act 129, Pennsylvania has invested millions of ratepayer dollars to finance and incentivize both consumers and utilities to conserve energy and reduce peak demand in a cost-efficient manner. Nevertheless, the Commission acknowledges that more can be done and, accordingly, we are open to consideration of the other programs and policies described in the body of this order in the context of individual utility proceedings, in which the details of any such programs and policies can be evaluated.

Therefore,

It Is Ordered That:

1. The Commission accept the ARRA Working Group Final Report.
2. The Commission certifies that its present policies and practices reflect a general policy to align utility financial incentives with cost-effective and verifiable energy conservation by consumers in compliance with Section 410(a) of the ARRA.
3. The Secretary shall serve a copy of this Order upon the parties of record.
4. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
5. That this matter shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1447. Filed for public inspection August 19, 2011, 9:00 a.m.]

Telecommunications Services

A-2011-2255859. Adams Digital Phone, Inc. Application of Adams Digital Phone, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant, on or before September 6, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Adams Digital Phone, Inc.

Through and By Counsel: Pamela C. Polacek, McNees Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1448. Filed for public inspection August 19, 2011, 9:00 a.m.]

2012 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

Regulations promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2012 schedule of filing dates is as follows:

February 1, 2012: National Fuel Gas Distribution Corporation—PA Division; Peoples TWP

March 1, 2012: Philadelphia Gas Works

April 1, 2012: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2012: UGI Penn Natural Gas, Inc.; PECO-Gas Division; UGI Central Penn; UGI Utilities, Inc.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1449. Filed for public inspection August 19, 2011, 9:00 a.m.]

Universal Service Low Income Support; Notice to Telecommunications Providers and Interested Parties

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carriers' petitions for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support. Petitions pending include the following:

Absolute Home Phones, Inc., d/b/a Absolute Mobile—Doc. No. P-2011-2239288

TAG Mobile, LLC—Doc. No. P-2011-2241542

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs

telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petitions pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site www.puc.state.pa.us or hard copies are available for a fee by written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary

Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1450. Filed for public inspection August 19, 2011, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Proposed Penalty Schedule

Comments are being solicited for review and implementation of a proposed Penalty Schedule for use in conjunction with the Philadelphia Parking Authority's (PPA) forthcoming taxicab and limousine final-form regulations (126-1). The proposed rulemaking was published at 41 Pa.B. 485 (January 15, 2011).

Industry members and members of the general public wishing to submit comments regarding the proposed PPA Taxicab and Limousine Division (TLD) Penalty Schedule must adhere to the following schedule and protocol: the open comment period ends on August 31, 2011. Formal comments must be submitted in paper and electronic form (CD or e-mail) to cmilstein@philapark.org by close of business on August 31, 2011. Handwritten copies will not be accepted. A signed original must be submitted along with a CD unless e-mail is used for the electronic version. Send comments to PPA TLD, Attention: Charles Milstein, Esq., Assistant to the Director, 2415 South Swanson Street, Philadelphia, PA 19148.

Owner Violations

<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.3 § 1051.3	Using Driver w/expired PPA Driver's Cert.	\$500	\$1,000	\$1,000
§ 1011.3 § 1051.3	Using Driver w/o PPA Driver Cert.	\$1,000	\$1,000	\$1,000
§ 1011.3 § 1051.3	Using Driver w/Susp. or Rev. PPA Driver Cert. (Notice to Owner)	\$1,000	\$1,000	\$1,000
§ 1011.3 § 1051.3	Operating with expired rights	\$500	\$1,000	\$1,000
§ 1011.3 § 1051.3	Operating with suspended or revoked rights	\$1,000	\$1,000	\$1,000
§ 1011.4 § 1051.4	Failure to pay assessments	\$100	\$350	\$500
§ 1011.5 § 1051.5	Failure to remove owner/officer after felony conviction	\$1,000	\$1,000	\$1,000
§ 1011.8 § 1051.7	Failure to allow facility inspection	\$1,000	\$1,000	\$1,000
§ 1011.9 § 1051.8	Unauthorized service provider (Hack)	\$1,000	\$1,000	\$1,000
§ 1011.9 § 1051.8	Using Driver w/expired driver's license (BMV)	\$350	\$500	\$1,000
§ 1011.9 § 1051.8	Using Driver w/susp. or rev. drivers' license (BMV)	\$1,000	\$1,000	\$1,000
§ 1011.11 § 1051.10	Failure to retain required records	\$500	\$1,000	\$1,000
§ 1011.11 § 1051.5	Failure to provide trip log	\$350	\$500	\$750
§ 1011.12 § 1051.11	Aiding or Abetting	Assumes grade of primary offense		
§ 1011.13 § 1051.12	Failure to report interruption of service	\$100	\$225	\$350
§ 1011.15 § 1051.14	Failure to report death or incapacitation	\$350	\$500	\$750

NOTICES

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<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.20 § 1053.22	Operating outside of rights	\$500	\$1,000	\$1,000
§ 1013.1	Medallion counterfeit	\$1,000	\$1,000	\$1,000
§ 1013.1	Medallion not on vehicle	\$350	\$500	\$750
§ 1013.3	Removing Medallion without PPA approval	\$1,000	\$1,000	\$1,000
§ 1017.5 § 1055.4	Operating Unsafe Vehicle	\$350	\$500	\$750
§ 1017.5 § 1055.4	Any violation of the Department of Transportation (DOT) inspection code	\$350	\$500	\$750
§ 1017.5	Failure to use Certified Dispatcher	\$350	\$500	\$750
§ 1017.5	No protective shield or fails to meet requirements	\$350	\$500	\$750
§ 1017.5	Incomplete communication system	\$350	\$500	\$750
§ 1017.11	Failure to report change in Dispatcher	\$350	\$500	\$750
§ 1017.11	Unauthorized markings or colors	\$1,000	\$1,000	\$1,000
§ 1017.12	Incorrect markings or colors	\$1,000	\$1,000	\$1,000
§ 1017.12 § 1055.5	Vehicle operating w/expired or suspended registration	\$500	\$1,000	\$1,000
§ 1017.13	Failure to remove identifiable markings when removed from service	\$1,000	\$1,000	\$1,000
§ 1017.21	Using meter not approved by PPA	\$500	\$1,000	\$1,000
§ 1017.21	Meter not sealed	\$100	\$225	\$350
§ 1017.21	Meter inoperative	\$350	\$500	\$750
§ 1017.21	Use of unauthorized Credit Card processing system	\$1,000	\$1,000	\$1,000
§ 1017.22	Fast meter	\$350	\$500	\$750
§ 1017.24	Meter cannot be remotely deactivated by PPA	\$350	\$500	\$750
§ 1017.24	Panic button-failure to have device or tampered with	\$350	\$500	\$750
§ 1017.24	Prevent/refuse customer the use of credit card	\$350	\$500	\$750
§ 1017.32 § 1055.4	Inspection/emission stickers (DOT) missing or expired	\$350	\$500	\$750
§ 1017.32 § 1055.16	Operating w/out current PPA inspection	\$1,000	\$1,000	\$1,000
§ 1017.32 § 1055.4	Counterfeited inspection sticker (DOT)	\$1,000	\$1,000	\$1,000
§ 1017.33 § 1055.13	Failure to appear for Scheduled Inspection	\$100	\$225	\$750
§ 1017.35 § 1055.15	Failure to submit to field inspection	\$350	\$500	\$750
§ 1017.36 § 1055.16	Operating vehicle while out of service (w/notice for owner)	\$1,000	\$1,000	\$1,000
§ 1017.37 § 1055.16	Failure to report accident and/or have vehicle reinspected	\$350	\$500	\$750
§ 1017.38 § 1055.2	Operating additional vehicles without reporting or temp. rights	\$1,000	\$1,000	\$1,000
§ 1017.38	Medallion trans. to another vehicle w/o PPA approval	\$1,000	\$1,000	\$1,000
§ 1017.39 § 1055.17	Change of tag w/out PPA inspection	\$350	\$500	\$750
§ 1017.62	Transfer penalty obligations to third party including driver	\$1,000	\$1,000	\$1,000
§ 1017.64	Failure to provide lease receipts to driver	\$100	\$225	\$350
§ 1025.3	Vehicle operating w/o insurance	\$1,000	\$1,000	\$1,000
§ 1027.15	Failure to provide service w/in 30 days of certification	\$350	\$500	\$750
§ 1053.23	Limousine providing service w/out advanced reservation.	\$350	\$500	\$750
§ 1053.42	Failure to register Remote Carrier	\$100	\$225	\$350

Driver Violations

<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.5 § 1051.5	Felony conviction while holding drivers certificate	\$1,000	\$1,000	\$1,000
§ 1011.5 § 1051.5	DUI while in service	\$1,000	\$1,000	\$1,000
§ 1011.10 § 1051.9	Refusal of service without good cause	\$100	\$225	\$350
§ 1011.10	Failure to respond to a hail while in service and available	\$100	\$225	\$350
§ 1011.12 § 1051.11	Aiding or Abetting	Assumes grade of primary offense		
§ 1017.24	Failure to properly activate and display meter	\$100	\$225	\$350
§ 1017.24	Failure to provide printed receipt from the meter	\$100	\$225	\$350
§ 1053.23	Limousine providing service w/o advanced reservations	\$350	\$500	\$1,000
§ 1021.2	Using another's driver's certificate to log in to meter system	\$500	\$750	\$750
§ 1021.2 § 1057.2	PPA Drivers Certificate Suspended or Revoked	\$500	\$750	\$1,000
§ 1021.2 § 1057.2	PPA Driver's Certificate forged or false	\$500	\$1,000	\$1,000
§ 1021.2 § 1057.2	Seek/possess multiple Drivers Certificates for a class of service	\$100	\$225	\$350
§ 1021.2 § 1057.2	Unauthorized Service Provider (Hack)	\$500	\$750	\$1,000
§ 1021.11	Gratuity insisted upon	\$100	\$225	\$350
§ 1021.11	Discourage, prevent, refuse use of Credit Card	\$350	\$500	\$750
§ 1021.11	Use of unauthorized Credit Card processing system	\$350	\$500	\$750
§ 1021.11	Refuse service based on intended Credit Card use	\$350	\$500	\$750
§ 1021.11 § 1057.11	Operating while Out of Service by TLD Inspector	\$500	\$1,000	\$1,000
§ 1021.11	Operating with out a medallion attached	\$350	\$500	\$750
§ 1021.11	Multiple meters in the drivers compartment	\$100	\$225	\$350
§ 1021.11 § 1057.11	Any violation of the PA MVC (Title75) (Safe Operation)	\$100	\$225	\$350
§ 1021.11	Vulgar/obscene language or gestures in public or abusive to TLD staff	\$100	\$225	\$350
§ 1021.11	Driver using cell phone or bluetooth device with passenger in vehicle	\$100	\$225	\$350
§ 1021.11	Failure to report or repair damaged or malfunctioning meter	\$100	\$225	\$350
§ 1021.11 § 1055.15	Failure to Allow Inspection	\$500	\$750	\$750
§ 1021.11 § 1057.11	Operating unsafe vehicle	\$100	\$225	\$350
§ 1021.11	Failure to keep radio in operating setting	\$100	\$225	\$350
§ 1021.11 § 1057.11	PPA Inspection Stickers missing or expired	\$100	\$225	\$350
§ 1021.11 § 1057.11	DOT Inspection Stickers missing or expired	\$100	\$225	\$350
§ 1021.11	Appropriate route not used	\$100	\$225	\$350
§ 1021.11 § 1057.11	Failure to comply with any of the passenger rights	\$100	\$225	\$350
§ 1021.12 § 1057.12	PPA Drivers Certificate Expired	\$350	\$500	\$1,000
§ 1021.12 § 1057.12	Operating / Soliciting while outside of Rights	\$350	\$500	\$750

NOTICES

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<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1021.14 § 1057.14	Failure to report invalidation of drivers license	\$100	\$225	\$350
§ 1021.16 § 1057.16	Fail to stop or report accident	\$500	\$750	\$1,000
§ 1021.16	Failure to assist elderly / disabled	\$100	\$225	\$350
§ 1023.1 § 1057.11	Rates charged other than tariff	\$100	\$225	\$350
§ 1023.2 § 1057.11	Overcharge fare	\$100	\$225	\$350
§ 1023.2	Refuse to refund excess paid by customer	\$100	\$225	\$350
§ 1023.3	Refuse to transport parcel without good cause	\$100	\$225	\$350
Correctable Owner Violations*				
§ 1001.51	Failure to provide/update e-mail address	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5	Advertising not in secure or authorized place	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5	Dome light-none, not working, or not working in conj. w/ meter	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Vehicle condition and equipment substandard	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Failure to use snow or all-weather tires between Oct. 1 and April 1	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Handgrips missing from passenger compartment	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Required postings not displayed in vehicle	\$100 to \$50	\$225 to \$100	\$350
§ 1017.6 § 1055.5	Proof of Insurance not in vehicle	\$100 to \$50	\$225 to \$100	\$350
§ 1017.11	Markings missing or incorrect	\$100 to \$50	\$225 to \$100	\$350
§ 1017.24	Meter does not print	\$100 to \$50	\$225 to \$100	\$350
§ 1017.24	Electronic card readers missing or not working	\$100 to \$50	\$225 to \$100	\$350
§ 1017.26	Failure to report or repair damaged or malfunctioning meter	\$100 to \$50	\$225 to \$100	\$350
§ 1017.39 § 1055.17	Failure to notify PPA of tag change	\$100 to \$50	\$225 to \$100	\$350
§ 1017.62	Lease not provided to driver	\$100 to \$50	\$225 to \$100	\$350
Correctable Driver Violations*				
§ 1017.6 § 1055.5	Failure to carry vehicle registration or insurance card	\$100 to \$25	\$225 to \$100	\$350
§ 1021.2 § 1057.2	Failure to display Drivers Certificate in proper manner	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Any violation of the PA Safety Inspection Code	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Dirty Vehicle (interior, exterior or trunk)	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Dress Code / Appearance	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Failure to display required postings	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Display unauthorized advertising, postings	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11	Failure to have paper / ink in meter	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Wheel covers / hubcaps missing or do not match	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Vehicle Condition and Equipment substandard	\$100 to \$25	\$225 to \$100	\$350

<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1021.11	Failure to have signed lease in the vehicle	\$100 to \$25	\$225 to \$100	\$350
§ 1021.14	Failure to report / update personal information	\$100 to \$25	\$225 to \$100	\$350
§ 1021.17 § 1057.17	Failure to evidence TLD compliant trip log	\$100 to \$25	\$225 to \$100	\$350

* Correctable violations may be reduced upon inspection by the TLD and payment of penalty within 48 hours of violation

Dispatch Violations

<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.3	Reporting, annual requirements not met	\$250	\$375	\$500
§ 1011.4	Failure to pay assessments	\$250	\$375	\$500
§ 1017.24	Credit card service charging over 5%	\$250	\$375	\$500
§ 1019.1	Operating dispatch without rights	\$1,000	\$1,000	\$1,000
§ 1019.2	Intentionally falsifying Authority filings	\$1,000	\$1,000	\$1,000
§ 1019.2	Failure to remove owner/officer after felony conviction	\$1,000	\$1,000	\$1,000
§ 1019.5	Failure to Allow Inspection or inspector access	\$750	\$1,000	\$1,000
§ 1019.8	Geographical Redlining	\$1,000	\$1,000	\$1,000
§ 1019.8	Minimum Requirements of Dispatch not maintained	\$500	\$750	\$1,000
§ 1019.8	Operation: Not responding 24 hours per day	\$500	\$750	\$1,000
§ 1019.8	Operation: Taxis not available 24 hours per day	\$500	\$750	\$1,000
§ 1019.8	Failure to respond to panic alert 24 hours per day	\$1,000	\$1,000	\$1,000
§ 1019.8	Dispatching to unauthorized service provider	\$750	\$1,000	\$1,000
§ 1019.8	Failure to notify Authority of driver not responding or refusing call	\$250	\$375	\$500
§ 1019.8	Failure to respond to consumer complaint	\$250	\$375	\$500
§ 1019.8	Poor service to the public or drivers	\$250	\$375	\$500
§ 1019.8	Failure to update contact info., including e-mail address	\$250	\$375	\$500
§ 1019.8	Failure to respond timely to consumer complaint	\$250	\$375	\$500
§ 1019.8	Failure to display advertisement in citywide phone book	\$250	\$375	\$500
§ 1019.9	Failure to notify Authority of enrollment change	\$250	\$375	\$500
§ 1019.11	Failure to disclose conflict	\$250	\$375	\$500
§ 1019.13	Failure to report interruption in service	\$750	\$1,000	\$1,000

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 11-1451. Filed for public inspection August 19, 2011, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved or Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved or rescinded by rule the following list of projects during June 1, 2011, through June 30, 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 or rescission 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. Talisman Energy USA, Inc., Pad ID: 05 253 Senn W, ABR-201106001, Windham Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: June 2, 2011.

2. EQT Production Company, Pad ID: Wohler, ABR-201106002, Chest Township, Clearfield County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: June 6, 2011.

3. SWEPI, LP, Pad ID: Drake 274, ABR-201106003, Lawrence Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 9, 2011.

4. Chesapeake Appalachia, LLC, Pad ID: Ford, ABR-201106004, Orwell Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 9, 2011.

5. Chesapeake Appalachia, LLC, Pad ID: Sophia, ABR-201106005, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 10, 2011.

6. SWEPI, LP, Pad ID: Wood 626, ABR-201106006, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 10, 2011.

7. Chesapeake Appalachia, LLC, Pad ID: GB, ABR-201106007, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 13, 2011.

8. Chief Oil & Gas, LLC, Pad ID: Polovitch East Drilling Pad No. 1, ABR-201106008, Nicholson Township, Wyoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: June 13, 2011.

9. Citrus Energy Corporation, Pad ID: Johnston 1 Pad, ABR-201106009, Meshoppen Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: June 13, 2011.

10. Chesapeake Appalachia, LLC, Pad ID: Neal, ABR-201106010, Leroy Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2011.

11. SWEPI, LP, Pad ID: Watkins 820, ABR-201106011, Chatham Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 14, 2011.

12. Chesapeake Appalachia, LLC, Pad ID: Mel, ABR-201106012, Franklin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2011.

13. Chesapeake Appalachia, LLC, Pad ID: Knickerbocker, ABR-201106013, Franklin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2011.

14. Chesapeake Appalachia, LLC, Pad ID: IH, ABR-201106014, Stevens Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2011.

15. Chesapeake Appalachia, LLC, Pad ID: J & J, ABR-201106015, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 20, 2011.

16. Chesapeake Appalachia, LLC, Pad ID: Wootten, ABR-201106016, Mehoopany Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 21, 2011.

17. SWEPI, LP, Pad ID: Brucklacher 734, ABR-201106017, Jackson Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 21, 2011.

18. Chesapeake Appalachia, LLC, Pad ID: Quail, ABR-201106018, Fox Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 21, 2011.

19. Anadarko E&P Company, LP, Pad ID: Larrys Creek F&G Pad H, ABR-201106019, Cummings Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 24, 2011.

20. Anadarko E&P Company, LP, Pad ID: H Lyle Landon Pad A, ABR-201106020, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 24, 2011.

21. Chesapeake Appalachia, LLC, Pad ID: T&T, ABR-201106021, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 27, 2011.

22. Chesapeake Appalachia, LLC, Pad ID: Arch, ABR-201106022, Sweden Township, Potter County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 27, 2011.

23. Chesapeake Appalachia, LLC, Pad ID: Lambs Farm, ABR-201106023, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 27, 2011.

24. Chesapeake Appalachia, LLC, Pad ID: Nichols, ABR-201106024, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: June 27, 2011.

25. Talisman Energy USA, Inc., Pad ID: 07 185 Camp Comfort, ABR-201106025, Middletown Township, Susquehanna County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: June 27, 2011.

26. SWEPI LP, Pad ID: Youst 405, ABR-201106026, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 30, 2011.

27. Anadarko E&P Company, LP, Pad ID: COP Tract 728 Pad B, ABR-201106027, Watson Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: June 30, 2011.

28. Novus Operating, LLC, Pad ID: Lucca, ABR-201106028, Covington and Sullivan Townships, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: June 30, 2011.

29. Talisman Energy USA, Inc., Pad ID: 02 011 DCNR 587, ABR-201106029, Ward Township, Tioga County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: June 30, 2011.

30. EXCO Resources (PA), LLC, Pad ID: Poor Shot East Drilling Pad No. 2, ABR-20100681.1, Anthony Township, Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: June 30, 2011.

Rescinded Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Hydro Recovery, LP, Blossburg Municipal Authority, ABR-201010061, Blossburg Borough, Tioga County, PA; Consumptive Use of up to 0.100 mgd; Approval Date: October 21, 2010, Rescinded Date: June 30, 2011.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: August 5, 2011.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 11-1452. Filed for public inspection August 19, 2011, 9:00 a.m.]

