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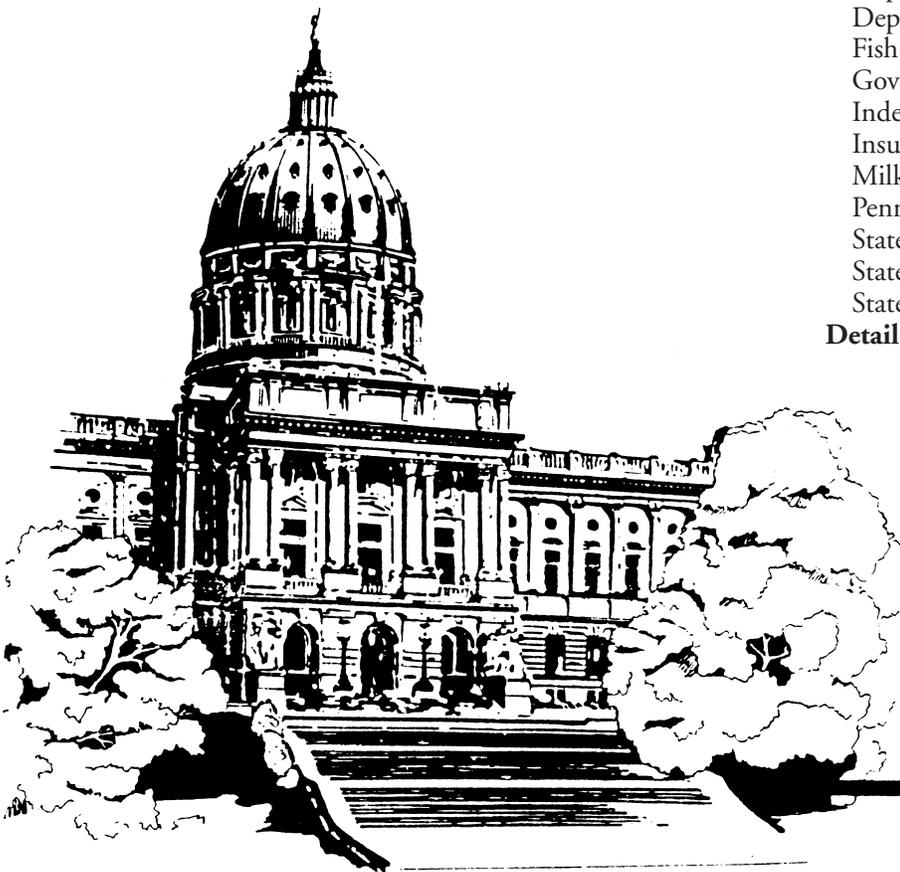
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Bureau of Professional and Occupational Affairs
Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Transportation
Fish and Boat Commission
Governor's Office
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Pennsylvania Public Utility Commission
State Board of Cosmetology
State Board of Medicine
State Board of Nursing

Detailed list of contents appears inside.



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

No. 453, August 2012

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CONTENTS

THE COURTS

JUVENILE RULES

- Proposed amendments to Rules 187 and 1187..... 5480
 Proposed amendments to Rules 1151, 1152, 1154
 and 1800 and new Rules 153, 157, 183, 1153 and
 1183 5470

LOCAL COURT RULES

Wayne County

- Local rule 301.1; ARD in summary cases at the
 magisterial district court level; no. 87-misc. crimi-
 nal..... 5482

EXECUTIVE AGENCIES

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Rules and Regulations

- Schedule of civil penalties—engineers, land survey-
 ors and geologists..... 5493

DEPARTMENT OF BANKING

Notices

- Actions on applications 5522

DEPARTMENT OF EDUCATION

Notices

- Opportunity Scholarship Tax Credit Program for the
 2012-2013 school year..... 5523

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Applications, actions and special notices..... 5535
 Bid opportunity (3 documents)..... 5592, 5593
 Request for comments on the proposed total maxi-
 mum daily loads (TMDLs) developed for the im-
 paired streams of the Laurel Hill Creek water-
 shed in Somerset County..... 5591
 Request for comments on the proposed total maxi-
 mum daily loads (TMDLs) developed for
 sediment-impaired streams of the Slate Lick Run
 Watershed in Cambria County..... 5592
 Solicitation of interest for municipal waste disposal
 capacity..... 5593

DEPARTMENT OF HEALTH

Notices

- Division of Safety Inspection; request for exceptions. 5593
 Long-term care nursing facilities; request for excep-
 tion..... 5594

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Uniform Construction Code Review and Advisory
 Council meeting 5594

DEPARTMENT OF TRANSPORTATION

Proposed Rulemakings

- Access to and occupancy of highways by driveways
 and local roads 5497

Notices

- Application for lease of right-of-way..... 5594

FISH AND BOAT COMMISSION

Notices

- Classification of wild trout streams; correction; Oc-
 tober 2012 5595
 Proposed special regulation designations and
 redesignations..... 5595

GOVERNOR'S OFFICE

Statements of Policy

- Executive orders, management directives, and other
 issuances of the directives management system
 indexed for reference purposes..... 5506

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

- Notice of comments issued 5596
 Notice of filing of final rulemakings..... 5602

INSURANCE DEPARTMENT

Notices

- Appeal of Andrew Kachurak under the Quality
 Health Care Accountability and Protection Article;
 Blue Cross of Northeastern Pennsylvania; doc. no.
 HC12-08-008 5603
 Application for approval of a certificate of authority
 as a preferred provider organization that is not a
 licensed insurance company submitted by Capital
 Advantage Assurance Company..... 5603
 Application for domestic certificate of authority by
 Mount Vernon Specialty Insurance Company 5603
 Blue Cross of Northeastern Pennsylvania; BlueCare
 senior pharmacy rider; rate filing 5603
 Everence Insurance Company; preferred provider
 organization; rate filing 5604
 Highmark Health Insurance Company; individual
 conversion PPO rates; rate filing..... 5604
 Request to surrender a certificate of authority to
 provide a continuing care retirement community
 by Lebanon Valley Catholic Home, Inc..... 5604

MILK MARKETING BOARD

Notices

- Hearing and presubmission schedule; milk market-
 ing area no. 1 5604
 Hearing and presubmission schedule; milk market-
 ing area no. 5 5605

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

- Default service reconciliation interim guidelines 5606
 Natural gas service 5607
 Service of notice of motor carrier applications..... 5607
 Telecommunications (8 documents)..... 5608, 5609, 5610

STATE BOARD OF COSMETOLOGY

Notices

- Bureau of Professional and Occupational Affairs v.
 Raylonda S. Davis 5610

Now Available Online at <http://www.pabulletin.com>

STATE BOARD OF MEDICINE

Rules and Regulations

MCARE amendments 5484

STATE BOARD OF NURSING

Rules and Regulations

IV therapy functions for licensed practical nurses . . . 5486

Notices

Bureau of Professional and Occupational Affairs v.
Nathaniel Louis Reyner, LPN; doc. no. 2209-51-
2011 5610

Bureau of Professional and Occupational Affairs v.
Roseann Thomas, LPN; doc. no. 0741-51-11..... 5611

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 Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

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

Adoption, Amendment or Repeal of Regulations

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

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

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

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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 2012.

4 Pa. Code (Administration)

Adopted Rules

1	1631
5	3559, 3561, 5146
6	1633, 3199, 3559, 3561, 3563, 5146
7	5148
7a	3566, 5148

Statements of Policy

1	5506
9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371
68	5242

7 Pa. Code (Agriculture)

Proposed Rules

46	5218
76	5218
143	1378

22 Pa. Code (Education)

Adopted Rules

4	1859
10	4574

25 Pa. Code (Environmental Protection)

Adopted Rules

121	4459
126	4459
128	4462
130	4463
806	2193

Proposed Rules

77	553
86	1228
93	4367
105	553
121	779, 3596, 4363
123	3596
129	779
130	779
139	3596, 4363

Statements of Policy

16	4187
----	------

34 Pa. Code (Labor and Industry)

Adopted Rules

231	2273
-----	------

Proposed Rules

65	2378
225	4468
401	1861
403	1861

40 Pa. Code (Liquor)

Adopted Rules

3	388
11	4465

Proposed Rules

15	1504
----	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

16	2955, 5484
17	5484
18	2955
21	5486
27	5182
33	769
35	1376
43b	5493

Proposed Rules

16	1122, 2469, 3597
18	2469, 3597
25	2474, 3607
27	5353
41	5355

52 Pa. Code (Public Utilities)

Adopted Rules

54	5185
57	9
59	9
62	2159
63	3728
65	9
67	9
1055	777

Proposed Rules

54	796, 3458
59	3454
62	2034, 3458
69	3458, 3458
72	3458
1005	2746

Statements of Policy

69	1034, 1044
----	------------

55 Pa. Code (Public Welfare)

Adopted Rules

51	3230
52	2730
165	1992
168	2000
299	2007
1101	2010
1121	2015
1163	2023
1187	673, 3733
1189	3733
3041	2000, 2029
6211	3261

Statements of Policy

1187	3748
3270	675
3280	675
3290	675

58 Pa. Code (Recreation)

Adopted Rules

65	3445
69	1502
71	1859

131 5213
 135 3581
 139 3581
 141 3588, 3590, 3591, 3592, 3593, 5214
 143 5215
 147 3594, 4305, 5216
 401a 2585
 461a 2585, 4305
 465a 2585
 467a 2585
 521 2585, 2629
 523 2649
 524 2675, 4305
 525 2585
 526 2629
 527 2629
 528 2675, 4305
 529 2675, 4305
 531 2877
 533 2877
 535 2886
 537 2886
 539 2886
 541 2906
 543 2906
 545 2906
 549 2922, 4320
 551 2686
 553 2686
 555 4320, 4584
 557 4333
 559 4333
 561 2922, 4320
 563 4320, 4584
 565 4333
 567 2877
 569 4333
 571 2686
 573 2686
 577 4697
 601a 2629
 603a 2649
 605a 2675, 4305
 609a 2629
 611a 2629
 613a 2675, 4305
 615a 2675, 4305
 617a 2877
 619a 2877
 621a 2886
 623a 2886
 625a 2886
 627a 2906
 629a 2906
 631a 2906
 633a 2922, 4320
 635a 2686
 637a 2686
 639a 4320, 4584
 641a 4333
 643a 4333
 645a 2922, 4320
 647a 4320, 4584
 649a 4333
 651a 2877
 653a 4333
 655a 2686
 657a 2686

Proposed Rules

29 4720
 61 1862
 65 3449
 75 3449
 93 3446
 99 3446
 105 3446
 109 3446
 115 4472
 131 3268, 5236
 133 5238
 135 1238, 5235
 139 1238, 1864
 141 1231, 1232, 1233, 1235, 1236, 3268, 5234
 143 3267
 147 1244, 3270, 5236
 401a 2962
 435a 2962
 437a 2962
 441a 2962

61 Pa. Code (Revenue)

Proposed Rules

7 1222
 117 2381
 119 2381
 121 2381
 901 1222

67 Pa. Code (Transportation)

Adopted Rules

231 25

Proposed Rules

84 3746
 175 4704
 441 5497
 443 4702

Statements of Policy

190 2481

101 Pa. Code (General Assembly)

Statements of Policy

31 29

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

2 4907
 5 4907

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

81 1637, 2186, 3127, 3431
 82 1638
 83 1637, 1639, 2186, 3127, 3431
 85 5156
 87 5156
 89 5156
 91 5156
 93 5156

Proposed Rules

213 658
 303 1798, 4846

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2269
 3 374, 4693
 9 2269

11 2269
 15 2269
 37 3569
 67 1642, 4450
 69 4450

Proposed Rules

1 1640
 3 1360
 15 1360
 19 1986
 21 1640
 37 659

225 Pa. Code (Rules of Evidence)

Adopted Rules

Article VI 1858

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 377, 1363
 1700 2954
 1910 379, 545, 930
 3000 4907
 4000 3574
 Part II 4908

Proposed Rules

200 377
 1900 3722
 1910 1642, 3722, 3724, 3726
 1915 1660

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1364, 4140, 5333
 5 2465, 4140, 5333
 6 545, 4140
 9 4140, 5347
 10 4140, 5333

Proposed Rules

1 380, 5164
 5 1369, 4568
 6 380, 1369, 4568
 8 4568

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 547, 3203
 2 4908, 4909, 5350
 3 3203, 4909, 5350
 4 664, 4909, 5350
 5 1214, 4909
 6 1214
 8 4909

Proposed Rules

1 5470, 5480
 11 5470, 5480
 18 5470

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

1000 4913

Proposed Rules

200 1116
 300 1116

249 Pa. Code (Philadelphia Rules)

Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160

252 Pa. Code (Allegheny County Rules)

Unclassified 930, 2727, 3436, 3437, 3438, 3439, 3440

255 Pa. Code (Local Court Rules)

Unclassified 8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375, 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271, 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440, 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913, 4914, 5167, 5179, 5180, 5482

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

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

Proposed Amendments to Rules 1151, 1152, 1154 and 1800 and New Rules 153, 157, 183, 1153 and 1183

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1151, 1152, 1154 and 1800 and new Rules 153, 157, 183, 1153, and 1183 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications establish the role and duties of attorneys in juvenile court proceedings.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635.

*By the Juvenile Court
Procedural Rules Committee*

HONORABLE TODD A. HOOVER,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(2). COUNSEL

(Editor's Note: Rules 153, 157 and 183 are new and printed in regular type to enhance readability.)

Rule 153. Role of Counsel.

A. *Role of Counsel.* Attorneys who represent juveniles in proceedings commenced pursuant to these Rules and the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* shall:

- 1) zealously and competently represent the juvenile at every stage of the proceedings;
- 2) advise and communicate with the juvenile in a developmentally appropriate manner;
- 3) if applicable, review and complete the admission colloquy mandated by Rule 407 with the juvenile; and

4) litigate the juvenile's case when an admission is inappropriate and protect the record for appeal.

B. *Ethical obligations.* The attorney has an ethical and professional obligation to the juvenile, rather than the juvenile's guardian.

1) The attorney must communicate to the juvenile and the juvenile's guardian the meaning of privileged communications and the attorney-client relationship.

2) The juvenile may authorize the attorney's disclosure of information as is necessary to carry out the representation.

3) After consultation with the attorney, the juvenile may permit the attorney to disclose the privileged communications to the juvenile's guardian or other interested person who may be in a position to help support or encourage the juvenile.

Comment

Pursuant to paragraph (A)(1) and (B), the attorney has an ethical and professional obligation to the juvenile, rather than the juvenile's guardian. The attorney is to comply with the wishes of the juvenile over the wishes of the juvenile's guardian. *See* Pa.Rs.P.C. 1.6(a) and 1.14(a).

Counsel for the juvenile should comply with basic standards of practice, which may include, but are not limited to: a) interviewing the client as soon as practicable and in advance of any court hearing; b) preparing for the case by seeking and reviewing written allegations, police reports, and interviews; the petition; probation reports; pleadings; relevant laws and procedures; warrants; and any other evidence in law enforcement files or the possession of the attorney for the Commonwealth; c) identifying, interviewing, and preparing witnesses, including requesting witness's contact information; d) obtaining social studies, education records, and any other reports and records from the juvenile probation officer; e) investigating the facts, the scene of the incident, and circumstances surrounding the allegations of delinquency; f) call any necessary experts or investigators as witnesses; g) file timely motions; h) when necessary, request continuances at the juvenile's request; i) review applicable laws, including the Constitution, statutes, Rules of Procedure, Rules of Evidence, case law, local rules, and other persuasive authority; j) when appropriate, negotiate plea agreements; k) litigate important fact and legal issues when appropriate; l) present witnesses, alibis, mitigating circumstances, and other appropriate defenses, including applicable law, to the court; m) gather other information or evidence to support the juvenile's case; n) negotiate the best dispositional outcome for the juvenile; o) file necessary post-dispositional motions; p) attend all hearings; q) when appropriate, file and prepare an appeal; and r) when applicable, file expungement motions.

Pursuant to paragraph (A)(2), the attorney is to communicate in a developmentally appropriate manner with the juvenile so the juvenile can understand the process and make informed decisions.

If a juvenile speaks a different language than the attorney, counsel is to request an interpreter to alleviate any communication barriers in preparing for a case and during all proceedings.

Prior to an admission, a colloquy is to be prepared and presented to the court. *See* Rule 407.

Counsel is to attend all proceedings and remain in the case unless permitted to withdraw pursuant to Rule 150. This includes attendance at all dispositional review and probation revocation hearings. *See* Rule 150(B) on duration of counsel.

For further ethical obligations, see Pa.R.P.C.

Rule 157. Role of the Attorney for the Commonwealth.

A. *Duties of the Attorney for the Commonwealth.* Attorneys representing the Commonwealth in proceedings commenced pursuant to these Rules and the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* shall:

- 1) zealously and competently represent the interests of the Commonwealth at every stage of the proceedings;
- 2) communicate with the victim in a developmentally appropriate manner in which the victim can comprehend;
- 3) ensure the victim understands his or her rights; and
- 4) litigate the Commonwealth's case when an admission is not entered by the juvenile and protect the record for appeal.

B. *Ethical obligations.* The attorney for the Commonwealth has special ethical obligations pursuant to Pa.R.P.C. 3.8.

Comment

The attorney for the Commonwealth should comply with basic standards of practice, which may include, but are not limited to: a) interviewing the witnesses and the victim as soon as practicable and ideally in advance of any court hearing; b) preparing for the case by seeking and reviewing written allegations, police reports, and interviews; the petition; probation reports; pleadings; relevant laws and procedures; warrants; any other evidence in law enforcement files; and any discoverable information from the defense, such as alibi information or affirmative defenses; c) identifying, interviewing, and preparing witnesses, including requesting defense witness's contact information; d) obtaining social studies and any other probationary reports and records from the juvenile probation officer; e) investigating the facts, the scene of the incident, and circumstances surrounding the allegations of delinquency; f) call any necessary experts or investigators as witnesses; g) file timely motions; h) when necessary, request continuances; i) review applicable laws, including the Constitution, statutes, Rules of Procedure, Rules of Evidence, case law, local rules, and other persuasive authority; j) when appropriate, negotiate appropriate plea agreements; k) present all facts, through evidence and witnesses, and legal issues and prove beyond a reasonable doubt that the juvenile committed the delinquent act(s); l) negotiate the best dispositional outcome for the victim and the juvenile using the balanced approach to restorative justice model, including aggravating circumstances when necessary; m) when applicable, ensuring the victim has an opportunity to speak or file a victim impact statement; n) file necessary post-dispositional motions; o) attend all hearings; and p) when appropriate, file and prepare an appeal.

Pursuant to paragraph (A)(2), the attorney for the Commonwealth is to communicate in a developmentally appropriate manner with the victim so the victim can understand the process and make informed decisions.

If the victim speaks a different language than the attorney for the Commonwealth, the attorney for the

Commonwealth is to request an interpreter to alleviate any communication barriers in preparing for the case and during all proceedings.

See Pa.R.P.C. 3.8 for special responsibilities as an attorney for the Commonwealth. *See also* Standards for Pennsylvania Prosecutors in Juvenile Court and the Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

PART (D)(1). MASTERS

Rule 183. Role of Master.

A. *Role of Master.* The master shall ensure:

- 1) the juvenile understands and has been apprised:
 - a) of the right to have a hearing before a judge;
 - b) that the findings and recommendations of the master must be approved by the judge before they are final;
 - c) of their rights at each stage of the proceeding, including if the juvenile is admitting to the delinquent acts pursuant to Rule 407, all the rights the juvenile is waiving as set forth in the admission colloquy under Rule 407(C) are understood; and
- 2) the Rules of Juvenile Court Procedure and the requirements of the Juvenile Act are followed at every proceeding.

B. *Ethical Obligations.* The master has ethical and professional obligations pursuant to the Rules of Professional Conduct and the Code of Judicial Conduct.

Comment

See the Pa.R.P.C. for specific obligations. *See also* Canon 7 of the Code of Judicial Conduct for applicability of Code to attorneys presiding as an officer of the judicial system.

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 1151. Assignment of [*Guardian Ad Litem* and] Counsel.

A. [*Guardian ad litem for child.* The court shall assign a guardian *ad litem* to represent the legal interests and the best interests of the child if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

- 1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the physical, mental or emotional health, or morals;
- 2) has been placed for care or adoption in violation of law;
- 3) has been abandoned by parents, guardian, or other custodian;
- 4) is without a parent, guardian or legal custodian; or
- 5) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety, or welfare of the child.

B.] *Counsel for child.* The court shall appoint [legal] counsel for a child[:

1)] if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent [**who:**

a) **while subject to compulsory school attendance is habitually and without justification truant from school;**

b) **has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of the child’s guardian and who is ungovernable and found to be in need of care, treatment, or supervision;**

c) **is under the age of ten years and has committed a delinquent act;**

d) **has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or**

e) **has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or**

2) upon order of the court.

C. Counsel and] B. Guardian ad litem for child. [If a child has legal counsel and a guardian *ad litem*, counsel shall represent the legal interests of the child and the guardian *ad litem* shall represent the best interests of the child.] If counsel has moved for appointment of a guardian *ad litem* because he or she reasonably believes the requirements of Rule 1154(B)(3) have been met, the court shall appoint a guardian *ad litem* for the child.

[**D.**] **C. Time of appointment.**

1) *Child in custody.* The court shall appoint [**a guardian ad litem or legal**] counsel immediately after a child is taken into protective custody and prior to any proceeding.

2) *Child not in custody.* If the child is not in custody, the court shall appoint [**a guardian ad litem or legal**] counsel for the child when a dependency petition is filed.

[**E.**] **D. Counsel for other parties.** If counsel does not enter an appearance for a party, the court shall inform the party of the right to counsel prior to any proceeding. If counsel is requested by a party in any case, the court shall assign counsel for the party if the party is without financial resources or otherwise unable to employ counsel. Counsel shall be appointed prior to the first court proceeding.

Comment

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

[**The guardian ad litem**] **Counsel** for the child may move [**the court for appointment as legal counsel and assignment of a separate**] for appointment of a guardian *ad litem*[,] when[, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child] the requirements of Rule 1154 have been met. The attorney is to find: 1) the child has diminished capacity; 2) the child is at risk of substantial physical, financial, or other harm; and 3) the attorney cannot adequately act in the child’s own interest. To the extent 42 Pa.C.S. § 6311(b)(9) is

inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8. [**Under paragraph (C), legal counsel represents the legal interests of the child and the guardian ad litem represents the best interests of the child.**]

Nothing in these rules anticipates that a guardian *ad litem* for an adult is to be appointed by these rules. For appointment of a guardian of the person, see 20 Pa.C.S. § 5501 *et seq.* and Pa.O.C. Rules 14.2—14.5.

Pursuant to paragraph [**(E)**] **(D)**, the court is to inform all parties of the right to counsel if they appear at a hearing without counsel. If a party is without financial resources or otherwise unable to employ counsel, the court is to appoint counsel prior to the proceeding. Because of the nature of the proceedings, it is extremely important that every “guardian” has an attorney. Therefore, the court is to encourage the child’s guardian to obtain counsel. Pursuant to Rule 1120, a guardian is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding. See Pa.R.J.C.P. 1120.

Official Note: Rule 1151 adopted August 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. Amended May 12, 2008, effective immediately. Amended April 29, 2011, effective July 1, 2011. **Amended** , **effective** .

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1151 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to this rule published with the Court’s Order at 37 Pa.B. 1123 (March 10, 2007).

Final Report explaining the amendments to Rule 1151 published with the Court’s Order at 38 Pa.B. 2360 (May 24, 2008).

Final Report explaining the amendments to Rule 1151 published with the Court’s Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 187 published with the Court’s order at Pa.B. ().

Rule 1152. Waiver of Counsel.

A. Children.

[**1) Guardian ad litem.**] A child may not waive the right to [**a guardian ad litem**] counsel.

[**2) Legal Counsel.** A child may waive legal counsel if:

a) **the waiver is knowingly, intelligently, and voluntarily made; and**

b) **the court conducts a colloquy with the child on the record.]**

* * * * *

Comment

Under paragraph (A), a child may not waive the right to [**a guardian ad litem.** The right of waiver to legal counsel belongs to the child, not the guardian] counsel, which includes a guardian may not this right for the child. See Rule 1800[, which suspends

42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the child] .

[It is recommended that, at a minimum, the court ask questions to elicit the following information in determining a knowing, intelligent, and voluntary waiver of counsel:

- 1) Whether the party understands the right to be represented by counsel;
- 2) Whether the party understands the nature of the dependency allegations and the elements of each of those allegations;
- 3) Whether the party is aware of the dispositions and placements that may be imposed by the court, including foster care placement and adoption;
- 4) Whether the party understands that if he or she waives the right to counsel, he or she will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;
- 5) Whether the party understands that counsel may be better suited to defend the dependency allegations; and
- 6) Whether the party understands that the party has many rights that, if not timely asserted, may be lost permanently; and if errors occur and are not timely objected to, or otherwise timely raised by the party, the ability to correct these errors may be lost permanently.]

* * * * *

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

Rule 1153. Role of Counsel.

A. *Role of Counsel for the child and parents.* Attorneys who represent parties in proceedings commenced pursuant to these Rules and the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* shall:

- 1) zealously and competently represent their client at every stage of the proceedings;
- 2) advise and communicate with their client in a developmentally appropriate manner; and
- 3) litigate the client’s case when appropriate and protect the record for appeal.

B. *Ethical obligations.* Attorneys have an ethical and professional obligation to their clients.

- 1) The attorney must communicate to their client the meaning of privileged communications and the attorney/client relationship.
- 2) The client may authorize the attorney’s disclosure of information as is necessary to carry out the representation.
- 3) After consultation with the attorney, the client, when a child, may permit the attorney to disclose privileged communications to the child’s guardian or other interested person who may be in a position to help support or encourage the child.

Comment

Counsel for any party should comply with basic standards of practice, which may include, but are not limited to: a) interviewing the client as soon as practicable and in advance of any court hearing; b) preparing for the case by seeking and reviewing all court documents; relevant

evidence; county agency reports, files, and interviews; the petition; other agency reports for the family; pleadings; and any other evidence necessary for the proceeding; c) identifying, interviewing, and preparing witnesses, including requesting witness’s contact information; d) investigating the facts and circumstances surrounding the allegations of dependency; e) when appropriate, seek any necessary experts or investigators as witnesses; f) file timely motions; g) gather other evidence to support your client’s case; h) review applicable laws, including the Constitution, statutes, Rules of Procedure, Rules of Evidence, case law, local rules, and other persuasive authority; i) litigate important fact and legal issues when appropriate; j) present witnesses and make recommendations or arguments to the court; k) attend all hearings; and l) when appropriate, file and prepare an appeal.

The purpose of paragraph (A)(2) is to ensure the client can understand the process and make informed decisions. A developmentally appropriate manner will depend on the client and the client’s ability to comprehend.

If a party speaks a different language than the attorney, counsel is to request an interpreter to alleviate any communication barriers in preparing for a case and during all proceedings.

In the limited circumstances when an attorney is appointed for a guardian who is not the parent, these rules are to apply.

Counsel is to attend all proceedings and remain in the case unless permitted to withdraw pursuant to Rule 1150. This includes attendance at all permanency hearings. See Rule 1150(B) on duration of counsel.

For further ethical obligations, see Pa.R.P.C.

Rule 1154. Duties of [Guardian Ad Litem] Counsel and County Agency.

[A guardian *ad litem* shall:]

A. Duties of Counsel for the Child. Counsel for the child shall:

- 1) [Meet] meet with the child as soon as possible following assignment pursuant to Rule 1151 and on a regular basis thereafter [in a manner appropriate to the child’s age and maturity];
- 2) [On a timely basis, be given access to] review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;
- 3) [Participate in all proceedings, including hearings before masters, and administrative hearings and reviews to the degree necessary to adequately represent the child;]
- 4) [Conduct such] conduct further investigation necessary to ascertain the facts;
- [5) Interview] 4) interview potential witnesses[, including the child’s guardians, caretakers, and foster parents, examine and cross-examine witnesses, and present witnesses and evidence necessary to protect the best interests of the child];
- 5) attend and present a case, necessary to pursue the child’s desired outcome or, consistent with substituted judgment pursuant to paragraph (B), in all proceedings; and

6) [At the earliest possible date, be advised by the county agency having legal custody of the child of:] present evidence as to the child's educational, health care, and disability needs.

[a] any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the relocation or change in custody or visitation; and

b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* or the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, directly affecting the child;

7) Make any specific recommendations to the court relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs;

8) Explain the proceedings to the child to the extent appropriate given the child's age, mental condition, and emotional condition; and

9) Advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes. When appropriate because of the age or mental and emotional condition of the child, determine to the fullest extent possible the wishes of the child and communicate this information to the court.]

B. Duties of Counsel When Child has Diminished Capacity.

1) The child's counsel shall determine whether the child has diminished capacity in directing representation.

a) It shall be presumed that a child is capable of directing representation at the age of ten.

b) The presumption of diminished capacity is rebutted if, in the sole discretion of the attorney, the child is deemed capable of directing representation.

c) In making this determination, the attorney should consult with the child and may consult with other individuals or entities who can provide the child's attorney with the information and assistance necessary to determine the child's ability to direct the representation.

2) When a child has diminished capacity in directing representation, counsel shall make a good faith effort to determine the child's needs and wishes. The attorney shall:

a) maintain a traditional attorney-client relationship, as far as reasonably possible, with the client and fulfill the duties as outlined in the Rules of Professional Conduct;

b) substitute judgment when, during a temporary period or on a particular issue, it is not reasonably possible to maintain the attorney-client relationship, and present a case pursuant to paragraph (A)(5);

D) A substituted judgment determination includes determining what the child would decide if he or

she were capable of making an adequately considered decision and representing a child with that determination.

ii) The attorney should take direction from the child as the child develops the capacity and any subsequent change in that determination.

3) An attorney shall take reasonable steps in protecting the child against harm, and in appropriate cases, may move for appointment of a guardian *ad litem* when the attorney reasonable believes that:

a) the child has diminished capacity;

b) the child is at risk of substantial physical, financial, or other harm unless action is taken; and

c) the attorney cannot adequately act in the child's own interest.

C. Duties of Guardian Ad Litem. In the rare instance when the court appoints a guardian *ad litem*, the guardian *ad litem* shall:

1) meet with the child as soon as possible following assignment and on a regular basis thereafter;

2) review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) attend and present a case necessary to protect the child's best interests;

6) present evidence as to the child's educational, health care, and disability needs; and

7) advocate to protect the child from any harm.

D. Duties of Counsel for Parents. Counsel for a parent shall:

1) meet with the parent as soon as possible following assignment and on a regular basis thereafter;

2) review relevant court and county agency records, reports of examination of the other parent or guardians of the child, and medical, psychological, and school records and provide records and reports to the parent when appropriate;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) attend and present a case necessary to pursue the parent's desired outcome; and

6) advocate to the court on behalf of the parent's wishes.

E. Duties of Attorney for the County Agency. Counsel for the county agency shall:

1) meet with the county agency caseworkers to advance the position of the county agency on relevant issues consistent with the Juvenile Act;

2) review relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) conduct further investigation necessary to ascertain the facts;

4) interview potential witnesses;

5) facilitate discovery as provided in paragraph (D)(3); and

6) attend and present a case necessary to pursue the child's best interests and the purposes of the Juvenile Act.

F. Duties of County Agency. The county agency shall:

1) file dependency petitions;

2) if removal of the child is proposed or has occurred, assure the court:

a) that the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available;

b) that continuation in the home is contrary to the welfare, safety, or health of the child;

c) that services are being provided to the guardian unless the court has made a finding that no reasonable efforts to prevent placement or promote reunification are necessary; or

d) that it has made all reasonable efforts to achieve permanency in a timely manner and if reasonable efforts are not made, provide evidence that lack of services was reasonable;

3) in a timely manner, give attorneys and unrepresented parties access to relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records pursuant to Rule 1340 when not prohibited by law;

4) at the earliest possible date, advise attorneys and unrepresented parties of:

a) any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the filing of a motion pursuant to Rule 1606 or a change in visitation; and

b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* or the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, directly affecting the child; and

5) make any specific recommendations to the court relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs.

Comment

[If there is a conflict of interest between the duties of the guardian *ad litem* pursuant to paragraphs (7) and (9), the guardian *ad litem* for the child may move the court for appointment as legal counsel and assignment of a separate guardian *ad litem* when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. If there is not a conflict of interest, the guardian *ad litem* represents the legal interests and best interests of the child at every stage of the proceedings. 42 Pa.C.S. § 6311(b). To the extent 42 Pa.C.S.

§ 6311(b)(9) is inconsistent with this rule, it is suspended. See Rules 1151 and 1800. See also Pa.R.P.C. 1.7 and 1.8.

“Legal interests” denotes that an attorney is to express the child's wishes to the court regardless of whether the attorney agrees with the child's recommendation. “Best interests” denotes that a guardian *ad litem* is to express what the guardian *ad litem* believes is best for the child's care, protection, safety, and wholesome physical and mental development regardless of whether the child agrees.]

This rule was revised in 201- to lay out clearly the duties of counsel and the county agency. The Juvenile Act requires appointment of a guardian *ad litem* for dependent children. Because the role of acting as child's counsel and child's protector confuses the attorney-client relationship and is inherently contradictory, 42 Pa.C.S. § 6311(b) is suspended. See also Rule 1151, 1800 and Pa.R.P.C. 1.7 and 1.8.

Pursuant to paragraphs (A)(1), (C)(1), & (D)(1), counsel is to meet with the client as soon as possible after being assigned to the case, and on a regular basis to develop a rapport with the client to be able to understand the client's desires and wishes. Counsel is to communicate in a developmentally appropriate manner with the client so the client can speak easily with counsel and relay his or her wishes.

To prepare fully for the case, counsel and the county agency are to review all necessary documents pertinent to the case, including court and county agency records; reports of examinations of the guardian(s) or child; and medical, psychological, and school records. See paragraphs (A)(2), (C)(2), (D)(2) & (E)(2). If counsel does not have the necessary documents, counsel may request discovery pursuant to Rule 1340. The county agency is to give access to discoverable materials in a timely manner and the attorney for the county agency is to facilitate this process. See paragraphs (E)(5) & (F)(3). For counsel representing parents, it may be appropriate to provide the parent with a copy of the report. See paragraph (D)(2).

Pursuant to paragraphs (A)(3) & (4), (C)(3) & (4), (D)(3) & (4), and (E)(3) & (4), if counsel does not have all the necessary information, counsel is to conduct further investigations and interviews as necessary to ascertain all the facts in the case. This may include visiting the child, parent(s), or guardian(s) at his or her residence or potential residence and inspecting the home conditions, and/or conversing with the client, other parties, guardian(s), caretakers, and foster parents.

Counsel for the child and parent(s) are to attend and present a case consistent with the client's desired outcome under paragraphs (A)(5) & (D)(5). If substituted judgment is necessary for a child, see paragraph (B). A guardian *ad litem*, if appointed, and counsel for the county agency are to attend and present a case consistent with the best interests of the child, advocating to protect the child from harm. See paragraphs (C)(5) & (7) and (E)(6). Pursuant to paragraph (F)(5), the county agency is to make specific recommendations relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs

and safety. These duties of counsel and the county agency may include calling pertinent witness, entering necessary evidence, and cross-examining other parties' witness. Whenever relevant, counsel and the county agency are to present evidence as to the child's educational, health care, and disability needs. See paragraphs (A)(6), (C)(6), & (F)(5).

Pursuant to paragraph [(7),] (A)(6), (C)(6), and (F)(5) the child's attorney, county agency, and in rare cases, the guardian *ad litem* [is] are to make specific recommendations to the court regarding the appropriateness of the child's placement, giving consideration to the proximity and appropriateness of the child's school. See 42 Pa.C.S. § 6311(b)(7) and 42 U.S.C. § 675(1)(G). Inquiries into the child's education should include the right to: 1) educational stability, including the right to remain in the same school regardless of a change in placement when in the child's best interest and the right to immediate enrollment when a school change is in the child's best interest, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services, 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living, 42 Pa.C.S. § 6351 if a child is sixteen or older; and 5) a transition plan that addresses the child's educational needs, 42 U.S.C. § 675(5)(H), if the child will age out of care in the next ninety days.

See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph [(7),] (A)(6), (C)(6), and (F)(5) the child's attorney, county agency, and in rare cases, the guardian *ad litem* [is] are to make specific recommendations to the court regarding the appropriateness of the child's placement, giving consideration to meeting the child's needs concerning health care and disability. Inquiries into the child's health should include the right of: 1) the child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code §§ 3700.51 and 3800.32, 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794 and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

[The] In the rare case when there is a guardian *ad litem* in the case, the guardian *ad litem* may be appointed as the educational decision maker. If the guardian *ad litem* is not the educational decision maker, the guardian *ad litem* is to coordinate efforts and consult with the educational decision maker. See Rule 1147 for duties of the educational decision maker.

In all cases, a child is to have counsel. Counsel is to fulfill his or her professional duties as an attorney and to maintain a normal attorney-client relationship, as far as reasonably possible with a child as the client.

However, there may be instances in which the child has diminished capacity. Pursuant to paragraph (B)(1), a child is presumed to be capable of

directing representation at the age of ten. The attorney is to consult with other individuals and/or entities who can provide counsel with information concerning the child's ability to direct representation. Only the attorney can determine whether the child is capable of directing representation or the child has diminished capacity.

Pursuant to paragraph (B)(2), if a child has diminished capacity, legal counsel is to make a good faith effort in determining the child's needs and wishes. When it is not reasonable to maintain the attorney-client relationship, the attorney may substitute judgment for the child during a brief period or on a particular issue. As the child begins to develop the capacity to direct representation, the attorney should take direction from the child.

However pursuant to paragraph (B)(3), when the attorney reasonably believes that the child is at risk of substantial physical, financial, or other harm unless action is taken, and cannot adequately act in the child's own interest, the attorney can take reasonable steps in protecting the child. In some cases, the attorney may need to move for appointment of a guardian *ad litem* to protect the best interests of the child.

Appointment of a guardian *ad litem* should be in the rare instance when the attorney feels that he or she cannot take reasonable steps in protecting the child's interests. When there is counsel and a guardian *ad litem*, counsel is to represent the legal interests of the child and the guardian *ad litem* is to protect the child from harm. It is the duty of the county agency to protect the best interests of the child.

"Legal interests" denotes that counsel is to express the child's wishes to the court regardless of whether the attorney agrees with the child's recommendation. "Best interests" denotes that county agency and/or in rare cases, a guardian *ad litem* is to express what the county agency or guardian *ad litem* believes is best for the child's care, protection, safety, and wholesome physical and mental development regardless of whether the child agrees.

Attorneys for children and parents are to engage in out-of-court advocacy, including attending and participating in family service plan meetings, necessary to advocate effectively for their clients.

Pursuant to paragraph (D), there may be times when the court appoints counsel for other guardians. Counsel for other guardians should follow the same requirements as the requirements for a parent's attorney.

Paragraph (E)(6) requires the attorney for the county agency to attend and present a case necessary to pursue the child's best interests and the purposes of the Juvenile Act. The attorney is to enter evidence into the record and offer witnesses who are subject to cross-examination. It is the sole duty of the county agency through its attorney to present a case to the court consistent with the actions of the county agency and in support of the dependency petition.

Pursuant to paragraph (F)(1), the county agency is to file the petition. See also Rule 1330. The county agency is also to ensure that if removal of the child from the home is proposed or has oc-

curred that: a) the child’s placement is the least restrictive placement that meets the needs of the child supported by reasons why there are no less restrictive alternatives available; b) continuation in the home is contrary to the welfare, safety, or health of the child; c) services are being provided to the guardian unless the court has made a finding that no reasonable efforts to prevent placement or promote reunification are necessary; or d) it has made all reasonable efforts to achieve permanency in a timely manner and if reasonable efforts are not made, provide evidence that lack of services was reasonable. See paragraph (F)(2) and Rules 1512(D)(2) and 1514.

The county agency is to advise the attorneys and unrepresented parties of: a) any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the filing of a motion pursuant to Rule 1606 or a change in visitation; and b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* or the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, directly affecting the child. See paragraph (F)(4).

Nothing in this rule is intended to absolve the attorneys from the Rules of Professional Conduct when speaking with represented parties.

Official Note: Rule 1154 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended , effective .

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1154 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1154 published with the Court’s order at Pa.B. ().

PART D. PROCEEDINGS IN CASES BEFORE MASTER

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

Rule 1183. Role of Master.

A. *Role of Master.* The master shall ensure:

1) that the juvenile understands and has been apprised:

- a) of the right to have a hearing before a judge;
- b) that the findings and recommendations of the master must be approved by the judge before they are final;
- c) of their rights at each stage of the proceeding; and

2) the Rules of Juvenile Court Procedure and the requirements of the Juvenile Act are followed at every proceeding.

B. *Ethical Obligations.* The master has ethical and professional obligations pursuant to the Rules of Professional Conduct and the Code of Judicial Conduct.

Comment

See the Pa.R.P.C. for specific obligations. See also Canon 7 of the Code of Judicial Conduct for applicability of Code to attorneys presiding as an officer of the judicial system.

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

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

* * * * *

3) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6311(b)(9), which provides that there is not a conflict of interest for the guardian *ad litem* in communicating the child’s wishes and the recommendation relating to the appropriateness and safety of the child’s placement and services necessary to address the child’s needs and safety, is suspended only insofar as the Act is inconsistent with Rules 1151 and 1154, which [**allows for appointment of separate legal counsel and a guardian *ad litem* when the guardian *ad litem* determines there is a conflict of interest between the child’s legal interest and best interest**] provides counsel is to communicate the child’s wishes and the county agency is to make the recommendation relating to appropriateness and safety of the child’s placement and services necessary to address the child’s needs and safety.

4) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the child, is suspended only insofar as the Act is inconsistent with Rule 1152, which does not allow a guardian **or a child** to waive the child’s right to counsel [**and a child may not waive the right to a guardian *ad litem***].

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EXPLANATORY REPORT

The Juvenile Court Procedural Rules Committee (Committee) is seeking to clarify the role and duties of attorneys in juvenile court proceedings. When reviewing this topic, the Committee decided to pattern its proposal after the American Bar Association’s Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings (ABA Model Act).

The issue presented to the Committee was a concern from children in dependency proceedings who believe their voices and concerns are being overlooked and their relationship with their attorney is built on deceit and betrayal.

The root of this issue concerns whether an attorney can maintain an attorney-client relationship with an older child and use information gained in confidence against the child for the sake of what the attorney believes is in the best interests of that child. Albeit children are involved in dependency proceedings, in no other area of law is: 1) the attorney-client relationship broken by determinations made by the attorney with information gained in the confidential relationship as attorney-client; and 2) the attorney allowed to give the court evidence and offer hearsay testimony as an “expert” without properly entering evidence into the record, being sworn in as an expert witness, or subject to cross-examination by other parties.

The county agency is charged with the duty of protecting children in this Commonwealth. It seeks to repair families by offering services to improve relationships and parenting skills, and eventually reunite the child with the parent. It also seeks removal of children from their

homes, petitions the court for dependency, and requests termination of parental rights if necessary in their assessments.

This duty to protect children has moved away from the county agency and has been placed on guardians *ad litem*. These attorneys have not been trained formally in child welfare issues, social development of children, restoring and maintaining relationships, or reducing and repairing trauma. However, their actions may further traumatize children.

The Committee has heard from several child advocates concerning their dilemma as “best interests” attorneys, otherwise known as guardians *ad litem*. When these attorneys meet children, they introduce themselves, explain the attorney-client relationship, and say, “you can trust me and I will keep your secrets.” Then, in the child’s eyes, a betrayal occurs because an attorney, who may have different ideals and thoughts about how life should be, replaces the child’s wishes with what the attorney believes the child needs and wants. The attorney has determined it is critical to reveal confidential information for the “best interests” of that child. The child feels he or she has no voice in the outcome of a proceeding that will affect the rest of his or her life.

The Report to the ABA Model Act best describes the Committee’s rationale for its clarification of the role of attorneys in the Rules of Juvenile Court Procedure:

Although many states require that a lawyer be appointed for a child in an abuse and neglect proceeding, some require that the child’s lawyer be “client directed” and others require the lawyer to act as a guardian *ad litem* whereby the attorney is charged with the duty of protecting and serving the “best interests” of the child. Often there is not “careful delineation of the distinctions between the ethical responsibilities of a lawyer to the client and the professional obligations of the lay guardian *ad litem* as a best interests witness for the court.”¹ The states’ use of different statutory language and mandated roles for child representation has led to much confusion within the field.

The proposed Model Act conforms to the clearly stated preference in the ABA Abuse and Neglect Standards for a client-directed lawyer for each child. Similarly, the proposed Model Act is consistent with the ABA Model Rules. The Model Act states that the child’s lawyer should form an attorney-client relationship which is “fundamentally indistinguishable from the attorney-client relationship in any other situation and which includes duties of client direction, confidentiality, diligence, competence, loyalty, communication, and the duty to advise.”²

Consonant with the ABA Model Rules, the drafters of the Model Act started from the premise that all child clients have the capacity to form an attorney-client relationship. An attorney must enter into representation of a child treating the child client as he or she would any other client to every extent possible. The attorney should give the child frank advice on what

he or she thinks is the best legal remedy to achieve the child’s expressed wishes. This decision should not be based on the attorney’s mores or personal opinions; rather it should focus on the attorney’s knowledge of the situation, the law, options available and the child’s wishes. The proposed Model Act also provides specific guidance for lawyers charged with representing those child clients with diminished capacity. Some children (including infants, pre-verbal children, and children who are mentally or developmentally challenged) do not have the capacity to form a lawyer-client relationship. These child clients should be considered the exception, not the rule, and the structure of representation for children as a whole should be based upon a theory of competence and capacity.

Providing children in abuse and neglect cases with a client-directed ‘traditional’ lawyer is consistent with the thinking of national children’s law experts. A conference on the representation of children was held at Fordham Law School in 1995 entitled *Ethical Issues in the Legal Representation of Children*. The conference examined the principles set out in the then-proposed (later adopted) ABA Abuse and Neglect Standards and conferees clearly recommended that lawyers for children should act as lawyers, not as guardians *ad litem*.³ The co-sponsors and participants at the Fordham conference included national children’s law organizations and many ABA entities.⁴

Ten years later in 2006, children’s law experts gathered again at a conference at the University of Nevada, Las Vegas (UNLV), to review the state of legal representation of children. Like the Fordham Conference, the UNLV participants produced a set of recommendations.⁵ The UNLV Recommendations encourage lawyers to seek to empower children by helping them develop decision-making capacity. Regarding the role of the lawyer, the UNLV Recommendations strongly support client-directed representation for children capable of making considered decisions.⁶ Again, the list of co-sponsors and participants included nationally respected children’s law organizations and many ABA entities.⁷

Consistent with the ABA Abuse and Neglect Standards, ABA policy, and the recommendations of national children’s law experts, Section 3 of this Model Act mandates that an attorney, acting in a traditional role, should be appointed for every child who is the

³ Recommendations of the Conference on Ethical Issues in the Legal Representation of Children, 64 FORDHAM L. REV. 1301 (1996) (Fordham Recommendations) (attorney must follow child’s expressed preferences and attempt to discern wishes in context in developmentally appropriate way if child is incapable of expressing viewpoint).

⁴ Co-sponsors included the Administration for Children, Youth and Families, U.S. Department of Health and Human Services; ABA Center on Children and the Law, Young Lawyers Division; ABA Center for Professional Responsibility, ABA Section of Criminal Justice, Juvenile Justice Committee; ABA Section of Family Law; ABA Section of Individual Rights and Responsibilities; ABA Section of Litigation Task Force on Children; ABA Steering Committee on the Unmet Legal Needs of Children; Juvenile Law Center; National Association of Counsel for Children; National Center for Youth Law; National Counsel of Juvenile and Family Court Judges; Stein Center for Ethics and Public Interest Law, Fordham University School of Law.

⁵ See Recommendations of the UNLV Conference on Representing Children in Families: Children’s Advocacy and Justice Ten Years after Fordham, 6 NEV. L. J. 592-687 (2006) (UNLV Recommendations).

⁶ As stated in the Recommendations, “[c]hildren’s attorneys should take their direction from the client and should not substitute for the child’s wishes the attorney’s own judgment of what is best for children or for that child.” *Id.* at 609.

⁷ Co-sponsors of UNLV included the ABA Center on Children and the Law, Young Lawyers Division; ABA Center for Professional Responsibility; ABA Child Custody and Adoption Pro Bono Project; ABA Section of Family Law; ABA Section of Litigation; Home at Last, Children’s Law Center of Los Angeles; Juvenile Law Center; National Association of Counsel for Children; National Center for Youth Law; National Council of Juvenile and Family Court Judges; National Juvenile Defender Center; Stein Center for Law and Ethics, Fordham University School of Law; Support Center for Child Advocates; and Youth Law Center.

¹ Uniform Representation of Children in Abuse and Neglect, and Custody Proceedings Act (hereinafter “NCCUSL Act”), National Conference of Commissioners of Uniform State Law, Prefatory Note (2007); the text of the final act can be found at http://www.law.upenn.edu/bll/archives/ulc/rarceda2007_final.htm. See Atwood, *supra* note 1, at 188-91; Howard A. Davidson, *Child Protection Policy and Practice at Century’s End*, 33 FAM. L. Q. 765, 768-69 (1999). For information about different state practices see Representing Children Worldwide 2005 (www.law.yale.edu/rcw) or A Child’s Right to Counsel. First Star’s National Report Card on Legal Representation for Children 2007.

² ABA Model Act, Commentary to Section 7(c) which refers to ABA Model Rules 1.2, 1.6, 1.3, 1.1, 1.7, 1.4 and 2.1.

subject of an abuse or neglect proceeding.⁸ Attorneys can identify legal issues regarding their child clients, use their legal skills to ensure the protection of their clients' rights and needs, and advocate for their clients. The Model Act requires lawyers to complete a thorough and independent investigation and participate fully in all stages of the litigation. Lawyers for children, as lawyers for any client, have a role as a counselor to their clients and should assist their clients in exploring the practical effects of taking various positions, the likelihood that a court will accept particular arguments, and the impact of such decisions on the child, other family members, and future legal proceedings.⁹

Lawyers for children allow children to be participants in the proceedings that affect their lives and safety. Children who are represented by a lawyer often feel the process is fairer because they had a chance to participate and to be heard. Consequently, children are more likely to accept the court's decision because of their own involvement in the process.

Requiring lawyers to represent children in abuse and neglect cases is also consistent with federal law. The Child Abuse Prevention and Treatment Act (CAPTA) requires the appointment of a "guardian *ad litem*" for a child as a condition of receiving federal funds for child abuse prevention and treatment programs. Providing a child with a lawyer is consistent with the requirements of CAPTA. No state with a lawyer model has been held out of compliance with CAPTA and Health and Human Services (HHS) has issued guidance suggesting that appointing counsel for a child promotes the child's "best interests" consistent with CAPTA.¹⁰

The Model Act also provides lawyers guidance when representing children with diminished capacity, which includes young children. Like all children in these proceedings, young children are entitled to proceedings that fully examine and address their needs, including *inter alia* their physical, behavioral, and developmental health and well-being, their education and early-learning needs, their need for family permanency and stability, and their need to be safe from harm. The Model Act also allows states to set an age of capacity if they so choose.

The Model Act allows and welcomes "best interest advocates" in child welfare cases. A best interest advocate is defined as "an individual, not functioning or intended to function as the child's lawyer, appointed by the court to assist in determining the best interests of the child."¹¹ The advisor may be a court-appointed special advocate (CASA), a guardian *ad litem* or other person who has received training specific to the best interest of the child. The Act endorses and in no way restricts the widespread use of CASAs to fulfill the role of court appointed advisor.¹²

A state's law regarding abuse and neglect proceedings should be designed to provide children involved in an abuse and neglect case with a well-trained, high quality lawyer who is well-compensated and whose caseload allows for effective representation. Lawyers for children are essential for ensuring that the child's legal rights are protected. "Unless children are allowed by lawyers to set the objectives of their cases, they would not only be effectively deprived of a number of constitutional rights, they would be denied procedures that are fundamental to the rule of law."¹³

Children in dependency court proceedings are often taken from their parents, their siblings and extended families, their schools, and everything that is familiar to them. Children and youth deserve a voice when important and life-altering decisions are being made about them. They deserve to have their opinions heard, valued and considered. They have interests that are often distinct or are opposed to those of the state and their parents in dependency proceedings and, as the ABA has recognized many times, they deserve ethical legal representation.

Report for the American Bar Association's Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.

This proposal seeks to clarify the role of the attorneys and the county agency in dependency proceedings. While the Committee was working on this proposal, it also believed the role of attorneys in delinquency matters also should be clarified.

Rule 153

Attorneys representing juveniles must follow the Rules of Professional Conduct. The ethical and professional obligation in the attorney-client relationship belongs to the juvenile, rather than the parents or guardian. Privileged information cannot be revealed to a parent or guardian without the juvenile's consent.

Additionally, the attorney should comply with basic standards of practice. See Comment to the rule. The Juvenile Defenders Association of Pennsylvania has developed guidelines for attorneys to follow when practicing in juvenile court. These guidelines may be viewed and downloaded at: <http://www.pajuvdefenders.org/publications/performance-guidelines-for-quality-and-effective-juvenile-delinquency-representation>. The Committee supports these guidelines.

Rule 157

This rule addresses the role of the attorney for the Commonwealth. In addition to the Rules of Professional Conduct for all attorneys, the attorney for the Commonwealth has special ethical obligations as a prosecutor. See Pa.R.P.C. 3.8.

Additionally, the attorney for the Commonwealth should comply with basic standards of practice. See Comment to the rule. The Pennsylvania District Attorney Association has adopted new practice standards for juvenile prosecutors to follow when defending the Common-

⁸ Federal law has long authorized the discretionary appointment of counsel for Indian children subject to the Indian Child Welfare Act. See 25 U.S.C. § 1912(b) (2000).

⁹ Model Act, Commentary for Section (7)(c)(1).

¹⁰ U.S. Department of HHS Children's Bureau, Adoption 2002: The President's Initiative on Adoption and Permanence for Children, Commentary to Guideline 15A

¹¹ Model Act, Section 1.

¹² The Court Appointed Special Advocate is a lay volunteer who advocates as a non-lawyer on behalf of a child in child abuse and neglect proceedings. Volunteers are screened and trained at the local level, but all CASA programs that are affiliated with the National Court Appointed Special Advocate Association must comply with the standards issued by that organization. See www.casaforchildren.org. In addition, many states have established their own standards to ensure that the volunteers representing children are competent and possess relevant training and experience. See generally Michael S. Piraino, Lay Representation of Abused and Neglected Children: Variations

on Court Appointed Special Advocate Programs and Their Relationship to Quality Advocacy, 1 *Journal of Center for Children and the Courts* 63 (1999). The Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice is authorized to enter into cooperative agreements with the National CASA Association to expand CASA programs nationally. See 42 U.S.C.A. § 13013 (2005 & Supp. 2006). One of the key strengths of the CASA program is that a CASA volunteer generally represents only one child at a time. Moreover, an attorney for the child working in tandem with a CASA volunteer can provide a powerful "team" approach in juvenile court. In addition, CASA volunteers may have access to the CASA program's own legal representative for legal advice.

¹³ Martin Guggenheim, A Paradigm for Determining the Role of Counsel for Children, 64 *Fordham L.Rev.* 1399, 1423-24 (1996).

wealth in juvenile court. These guidelines may be viewed and downloaded at: <http://www.pabar.org/weblinks/resources/PDDA%20Standards%20for%20PA%20Prosecutors%20in%20Juvenile%20Court.pdf>. The Committee supports these guidelines.

Rules 183 and 1183

These rules require the master to ensure the juvenile understands and has been apprised: 1) of the right to have a hearing before a judge; 2) that the findings and recommendations of the master must be approved by the judge before they are final; and 3) of the rights at each stage of the proceeding, including if the juvenile is admitting to the offenses pursuant to Rule 407, all the rights the juvenile is waiving as set forth in the admissions colloquy are understood. Additionally, the master is to ensure the Rules of Juvenile Court Procedure and the requirements of the Juvenile Act are followed.

Because the master is an attorney, the master must follow the Rules of Professional Conduct. Additionally, the master presides as an officer of the judicial system and must follow the Code of Judicial Conduct. *See* Canon 7 of the Code of Judicial Conduct.

Rule 1151

As explained in the Introduction *supra*, the Committee is clarifying the role of attorneys in dependency proceedings. To accomplish this goal, the Committee is proposing procedures similar to the ABA Model Act. Each child will receive counsel. The distinction between when a child receives a guardian *ad litem* or legal counsel is being eliminated. In the rare case, counsel may request appointment of a guardian *ad litem*. This request should be rare; otherwise, there could be two attorneys in every case, which would create a fiscal challenge for most judicial districts.

Counsel for children may assume a role as “best interests” attorney only when counsel has determined that the child has diminished capacity. *See* Rule 1154(B). In most instances, only younger children would meet the requirement of having diminished capacity, therefore, the attorney can substitute judgment. This allows older children to direct their representation and allow counsel to be an attorney with a traditional attorney-client relationship.

The Comment to the rule clarifies that a motion for appointment of a guardian *ad litem* should be made only when the attorney believes the following three requirements have been met: 1) The child has diminished capacity; 2) the child is at risk of substantial physical, financial, or other harm; and 3) the attorney cannot adequately act in the child’s own interest.

When counsel determines a child has diminished capacity and has not met the other two requirements, counsel will remain in the case, substitute judgment, and not request appointment of a guardian *ad litem*.

Rule 1152

Consistent with the changes in this proposal, the Committee is deleting “guardian *ad litem*” and replacing it with “counsel.” The current rules do not allow a child to waive a guardian *ad litem*; however, do allow waiver of legal counsel in limited circumstances. Because the Committee is eliminating this distinction between guardian *ad litem* and counsel with this proposal, it must also address waiver of counsel and is seeking comment on this issue.

Rule 1153

Attorneys representing children and parents are to follow the Rules of Professional Conduct. When representing children, counsel must maintain a traditional attorney-client relationship unless the attorney has determined the child has diminished capacity. *See* discussion *supra*.

The Comment to this rule also addresses basic standards of practice that attorneys must follow.

Rule 1154

Because of the clarification of the role of attorneys, this rule clarifies the duties of each party in the proceedings.

Paragraph (A) provides for the duties of counsel for the child. When the child has diminished capacity, paragraph (B) applies. Paragraph (C) provides for the duties of a guardian *ad litem*, when appointed in the rare case.

Paragraph (D) provides for the duties of counsel for the parents. When the court does appoint counsel for a guardian or custodian, these provisions also apply. *See* Comment to Rule 1153.

Paragraph (E) & (F) lay out the duties of counsel for the county agency and the county agency. The county agency is to ensure the child’s safety and needs are being met while pursuing the child’s best interests.

The Comment to the rule provides further clarification of the duties of the parties and their attorneys.

Rule 1800

The suspensions also were adjusted with its corresponding proposed rule modifications *supra*.

[Pa.B. Doc. No. 12-1633. Filed for public inspection August 24, 2012, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Proposed Amendments to Rules 187 and 1187

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 187 and 1187 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications address cases that may be heard by masters and whether “master” should be changed to “hearing officer” throughout the Rules.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
 Supreme Court of Pennsylvania
 Juvenile Court Procedural Rules Committee
 Pennsylvania Judicial Center
 601 Commonwealth Ave, Suite 6200
 P. O. Box 62635
 Harrisburg, PA 17106-2635.

All comments shall be received no later than Monday, September 24, 2012.

*By the Juvenile Court
 Procedural Rules Committee*

HONORABLE TODD A. HOOVER,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART D. MASTERS

Rule 187. Authority of [**Master**] Hearing Officer.

A. *Cases to be heard by [**Master**] hearing officer.* A [**master**] hearing officer shall have the authority to preside over only the following:

- 1) detention hearings, detention review hearings, or shelter-care hearings;
- 2) discovery, pre-adjudicatory, or preliminary proceedings for misdemeanors;
- 3) any hearing in which the petition alleges only misdemeanors, **excluding sexual offense cases**; and
- 4) uncontested dispositional review hearings and uncontested probation revocation hearings.

B. *No authority.* A [**master**] hearing officer shall not have the authority to:

- 1) conduct transfer hearings pursuant to Rule 394;
- 2) **conduct hearings concerning any sexual offense**;
- 3) issue warrants; and
- [**3**] 4) hear requests for writs of *habeas corpus*.

C. *Right to hearing before judge.* Prior to the commencement of any proceeding, the [**master**] hearing officer shall inform the juvenile, the juvenile's guardian(s), if present, the juvenile's attorney, and the attorney for the Commonwealth that the juvenile and the Commonwealth have a right to have the matter heard by a judge. If the juvenile or the Commonwealth objects to having the matter heard by the [**master**] hearing officer, the case shall proceed before the judge.

Comment

A [**master's**] hearing officer's authority is limited under paragraph (A) to specifically those types of cases provided. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [**masters**] hearing officers may not hear all classes of cases.

Pursuant to paragraph (A)(3), a sexual offense is any offense prescribed in 18 Pa.C.S. Chapter 31.

Under paragraph (B)(2), nothing is intended to limit the [**master's**] hearing officer's ability, in a proper case before the [**master**] hearing officer, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (C), see 42 Pa.C.S. § 6305(b).

See Rule 127 for recording of proceedings before a [**master**] hearing officer.

Official Note: Rule 187 adopted April 1, 2005, effective April 1, 2006. **Amended** , **effective** .

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 187 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 187 published with the Court's order at Pa.B. () .

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART D. PROCEEDINGS IN CASES BEFORE MASTER

Rule 1187. Authority of Master.

A. *No authority.* A [**master**] hearing officer shall not have the authority to:

- 1) preside over:
 - a) termination of parental rights hearings;
 - b) adoptions;
 - c) any hearing in which any party seeks to establish a permanency goal of adoption or change the permanency goal to adoption;
- 2) enter orders for emergency or protective custody pursuant to Rules 1200 and 1210;
- 3) issue warrants; and
- 4) issue contempt orders.

B. *Right to hearing before judge.*

1) Prior to the commencement of any proceeding, the [**master**] hearing officer shall inform all parties of the right to have the matter heard by a judge. If a party objects to having the matter heard by the [**master**] hearing officer, the case shall proceed before the judge.

2) If a party objects to having the matter heard by the [**master**] hearing officer pursuant to paragraph (B)(1), the [**master**] hearing officer or the court's designee for scheduling cases shall immediately schedule a hearing before the judge. The time requirements of these rules shall apply.

Comment

A [**master's**] hearing officer's authority is limited under this rule. To implement this rule, Rule 1800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [**masters**] hearing officers may not hear all classes of cases.

Under paragraph (A)(1)(c), once the permanency goal has been approved for adoption by a judge, all subsequent reviews or hearings may be heard by the [**master**] **hearing officer** unless a party objects pursuant to paragraph (B).

Under paragraph (A)(3), nothing is intended to limit the [**master's**] **hearing officer's** ability, in a proper case before the [**master,**] **hearing officer** to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (B), see 42 Pa.C.S. § 6305(b).

Under paragraph (B)(2), it should be determined whenever possible before the date of the hearing whether there will be an objection to having the matter heard before a [**master**] **hearing officer**.

If it is anticipated that there will be an objection, the case is to be scheduled in front of the judge, rather than the [**master**] **hearing officer** to prevent continuances and delays in the case.

See Rule 1127 for recording of proceedings before a [**master**] **hearing officer**.

Official Note: Rule 1187 adopted August 21, 2006, effective February 1, 2007. **Amended** , **effective** .

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1187 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1187 published with the Court's order at Pa.B. ().

REQUEST FOR PUBLIC COMMENT

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on the authority of masters in juvenile court proceedings and whether "master" should be renamed "hearing officer."

With the adoption of Act 111 of 2011 (P. L. 446, No. 111, Cl. 18), the Committee believes a master should not preside over any cases involving sexual offenses because of the lifetime implications of an adjudication of delinquency for the juvenile. The Comment to the rule defines sexual offense as any offense prescribed by 18 Pa.C.S. Chapter 31.

As the Committee was making this proposed change, the Committee thought it was advisable to seek input on whether masters should or should not hear other types of cases in both delinquency and dependency proceedings.

Additionally, the Committee is seeking guidance on whether the term "master" should be changed to "hearing officer." The origin of the term "master," as used in the Rules, comes from the Juvenile Act. See 42 Pa.C.S. § 6301 *et seq.* The use of the term "master" has been the subject of controversy in several judicial districts because of the origin of word "master" and its negative connotation.

Because many judicial districts have changed the name of their attorneys presiding as "masters" to "hearing officers," the Committee thought it should elicit comment

to determine if the Rules of Juvenile Court Procedure should also be changed.

[Pa.B. Doc. No. 12-1634. Filed for public inspection August 24, 2012, 9:00 a.m.]

Title 25—LOCAL COURT RULES

WAYNE COUNTY

Local Rule 301.1; ARD in Summary Cases at the Magisterial District Court Level; No. 87-Misc. Criminal

Order

And Now, this 6th day of August 2012, *It Is Hereby Ordered That* the following Wayne County Local Rule 301.1 (ARD Disposition in Summary Cases) is *Hereby Adopted*.

It Is Further Ordered That one (1) certified copy of this Order shall be filed by the Court Administrator of Wayne County with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is Ordered that the Court Administrator of Wayne County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>

By the Court

RAYMOND L. HAMILL,
President Judge

Local Rule 301.1. ARD in Summary Cases at the Magisterial District Court Level.

The District Attorney of Wayne County has filed a certification pursuant to Pa.R.Crim.P. 301 entitled **Procedures for Accelerated Rehabilitative Disposition in Summary Cases Before the Minor Judiciary**, and:

A. Has elected that ARD in summary cases shall proceed before the Minor Judiciary pursuant to Pa.R.Crim.P. 301 and that offenders of Title 18 Pa.C.S.A. Section 6308, Purchase, Consumption, Possession or Transportation of liquor or malt or brewed beverages are eligible for the summary ARD

B. The local procedures established by the President Judge, The Honorable Raymond L. Hamill, for ARD in summary cases before the Minor Judiciary are as follows:

1. The cost of the ARD administrative expense for summary cases is \$100.00 made payable to the County of Wayne;

2. The conditions of the program are as follows:

a. Education—defendants charged with violations of 18 Pa.C.S.A Section 6308 who enter into the ARD program must complete the first two class of the Alcohol Highway Safety Program held at regular intervals at the Wayne County Drug and Alcohol Commission. The cost of these classes is \$50.00 paid at the Wayne County Drug and

Alcohol Commission. If the defendant is an out of state resident, he or she may purchase and complete an on-line Alcohol Education class.

b. Six (6) hours of community service—list of community service opportunities to be provided by the Wayne County District Attorney to the Minor Judiciaries and then supplied to those applying for the ARD program.

3. The Minor Judiciaries are required to keep records of those who participate, those who complete the program, those who do not complete the program and those who pay in full the costs associated with the program.

4. The Minor Judiciary must submit a monthly report on the disposition of all the cases eligible for ARD to the Wayne County District Attorney who shall compile reports and monitor the cases and be answerable and accountable to the President Judge.

5. The procedures for **completion and termination** of the program are outlined in detail in section D. of this Administrative Order.

C. A defendant charged with Title 18 Section 6308 will receive an informational form and application prepared by the Wayne County District Attorney outlining the Summary ARD program along with the Citation and Summons from the Magisterial District Court. The defendant may request admittance into the program by sending a completed application to Wayne County District Attorney's Office, 925 Court Street, Honesdale, Pennsylvania, 18431, Attn: Detective Peter Hower.

Following a receipt of the application the procedure is as follows:

1. An informational form and application prepared by the Wayne County District Attorney outlining the Summary ARD program for violations of 18 Pa.C.S.A. Section 6308 shall be mailed to the Defendant along with the citation by the Magisterial District Court.

2. The Defendant then must appear before the Magisterial District Judge at a date set by the Magisterial District Judge. The Wayne County District Attorney's Office will notify the Magisterial District Judge if an application was received for consideration into the program from the Defendant and if the Defendant qualifies. If the Defendant qualifies, he or she will execute a Consent Agreement at the Magisterial District Judge's office to be entered into the program and will receive the program requirements from the Magisterial District Judge. The Magisterial District Judge shall then set a return date for the offender to reappear in his or her Court and provide evidence of completion of the ARD program. Said evidence of completion of the ARD program shall include evidence of completion of a drug and alcohol awareness education program offered through Wayne County Drug and Alcohol Agency's appropriate drug and alcohol awareness class and a signed sheet evidencing six (6) hours of community service by the community service

provider. Said return date shall be set sixty (60) days from the first court appearance set by the Magisterial District Judge. If the Defendant does not qualify for the ARD program the Magisterial District Court shall proceed as in the normal course of the citation being issued and dispose of the summary offense.

3. All ARDs for violations of 18 Pa.C.S.A. Section 6308 Purchase, consumption, possession or transportation of liquor or malt or brewed beverages shall not extend past a period of three months from the date the Defendant executes the Consent Agreement.

4. Each issuing authority shall submit a monthly report on all cases submitted for ARD to the Wayne County District Attorney who shall compile such reports and monitor the cases as may be required.

5. If the Defendant is convicted of a crime or summary offense during the period of the ARD program, then the ARD shall be terminated and the matter may be handled by the Minor Judiciary for disposition on the underlying summary offense.

6. If the Defendant successfully completes the program, the Magisterial District Judge shall dismiss the prosecution and send certified copies of the dismissal to the Wayne County District Attorney. The case appears ARD open while defendant is in the program and ARD closed upon completion.

7. If the Defendant does not complete the conditions of the program within the allotted time period, the Magisterial District Judge may, after giving defendant notice and an opportunity to be heard, revoke defendant's admission, in which case prosecution shall proceed in normal fashion.

8. A Defendant shall be required to pay a program administrative fee established in these Wayne County Rules of Criminal Procedure. The Magisterial District Judge shall disburse costs as provided by law to the County. The Magisterial District Judge shall collect and disburse a program administrative fee, the amount of which may be set by administrative order. Until changed, the fee shall be \$100.00. Said fee is made payable to and collected by the referring magisterial district court to be placed in the county general fund.

9. Nothing in this Local Rule 301.1 shall supersede 18 Pa.C.S.A. Section 6310.4 which states that whenever a person is admitted in to any pre-adjudication program for violation of Section 6308 the court shall order the operating privilege be suspended and a copy of the order shall be transmitted to the Department of Transportation. Thus, this ARD program for violations of 18 Pa.C.S.A. Section 6308 includes a license suspension by Order and reporting by the Magisterial District Judge to the Department of Transportation.

[Pa.B. Doc. No. 12-1635. Filed for public inspection August 24, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE [49 PA. CODE CHS. 16 AND 17] MCARE Amendments

The State Board of Medicine (Board) amends §§ 16.1, 16.18, 16.31—16.35, 17.4, 17.6 and 17.7 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 8 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.8) authorizes the Board to adopt regulations that are reasonably necessary to carry out the purposes of the act.

Omission of Proposed Rulemaking

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board finds that the criteria in section 204 of the CDL are met.

Throughout the Board's regulations are references to the Health Care Services Malpractice Act, which was repealed by the act of March 20, 2002 (P. L. 154, No. 13) (Act 13). Act 13 also enacted the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.101—1303.910). Under the authority of section 204(3) of the CDL, notice of proposed rulemaking has been omitted as unnecessary because the amendments are required to delete references to the repealed Health Care Services Malpractice Act and to replace them, as applicable, with references to the MCARE Act.

Background and Need for Amendments

Due to the repeal of the Health Care Services Malpractice Act and enactment of the MCARE Act, the Board's regulations are amended to reference the current applicable law. In addition, because the MCARE Act applies to both physicians and nurse-midwives, the Board is amending references to the requirements of the MCARE Act to include both physicians and nurse-midwives.

Description of Amendments

The Board is amending §§ 16.1, 16.18, 16.31—16.35, 17.4, 17.6 and 17.7 to delete references and citations to the Health Care Services Malpractice Act and replace these references and citations to the applicable sections of the MCARE Act.

The Board is also amending the references to "physicians and surgeons" in these sections by replacing them with references to "physicians and nurse-midwives" because: (1) the Board no longer uses the term "physicians and surgeons" to refer to its physician licensees; and (2) the MCARE Act applies to both physicians and nurse-midwives.

Fiscal Impact

This final-omitted rulemaking will not have fiscal impact on the Board, its licensees, the private sector, the general public or political subdivisions.

Paperwork Requirements

This final-omitted rulemaking will not create additional paperwork for the Board, its licensees, the private sector, the general public or political subdivisions.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on June 26, 2012, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on August 1, 2012, the final-omitted rulemaking was deemed approved by the HPLC and SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 2, 2012, and approved the final-omitted rulemaking.

Additional Information

For additional information about the final-omitted rulemaking, submit inquiries to Teresa Lazo, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary in that this final-omitted rulemaking deletes references to a repealed statute and replaces them with references to the current statute.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 17, are amended by amending §§ 16.1, 16.18, 16.31—16.35, 17.4, 17.6 and 17.7 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES W. FREEMAN, M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 5452 (August 18, 2012).)

Fiscal Note: 16A-4925. 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 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Immediate family member—A parent, spouse, child or adult sibling residing in the same household.

MCARE Act—The Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910).

NBME—The National Board of Medical Examiners of the United States, Inc.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.18. Volunteer license.

* * * * *

(e) *Renewal of license.* A volunteer license shall be renewed biennially on forms provided by the Board. The applicant is exempt from payment of the biennial renewal fee of § 16.13 (relating to licensure, certification, examination and registration fees), and is exempt from the requirements with regard to the maintenance of liability insurance coverage under section 711 of the MCARE Act (40 P. S. § 1303.711) as provided in section 9 of the Volunteer Health Services Act (35 P. S. § 449.49).

* * * * *

Subchapter D. HEALTH CARE PROFESSIONAL LIABILITY

§ 16.31. Notification.

(a) *Applicants for original licensure.* A physician who has successfully met the qualifications for licensure will be notified by letter that he may enter upon the practice of medicine in this Commonwealth only after complying

with section 711 of the MCARE Act (40 P. S. § 1303.711) by making prompt application for medical liability insurance.

(b) *Licensees applying for biennial renewal.* A licensee applying for biennial renewal will be notified with the renewal application that if he practices in this Commonwealth he is required to furnish satisfactory proof of compliance with the medical professional liability insurance and Medical Care Availability and Reduction of Error Fund provisions in sections 711 and 712 of the MCARE Act (40 P. S. §§ 1303.711 and 1303.712) as a condition of practice.

§ 16.32. Requirements of the MCARE Act.

(a) Except as provided in subsections (b) and (c), a physician or nurse-midwife shall maintain the required amount of professional liability insurance, or have an approved self-insurance plan, and pay the required Medical Care Availability and Reduction of Error (MCARE) Fund assessment as a condition of practice under sections 711 and 712 of the MCARE Act (40 P. S. §§ 1303.711 and 1303.712). Failure to comply with this section subjects the physician or nurse-midwife to disciplinary action by the Board.

(b) A physician or nurse-midwife practicing solely as a Federal employee is not required to participate in the professional liability insurance program, nor is the physician or nurse-midwife required to comply with the MCARE Act.

(c) A physician or nurse-midwife who provides no medical service in this Commonwealth is not required to pay the MCARE Fund assessment or comply with the insurance requirements of the MCARE Act. Proof of nonpractice must be furnished by notarized statement.

§ 16.33. Certification of noncompliers; noncompliance letters.

The Director of the Medical Care Availability and Reduction of Error (MCARE) Fund will furnish the Board office with a certification of the names of those licensed physicians and nurse-midwives who are not in compliance with the MCARE Act or have not demonstrated compliance. Upon receipt of the certification, the Board will forward a letter to the physician or nurse-midwife requiring the physician or nurse-midwife to either furnish sufficient evidence of compliance to the Office of the MCARE Fund or to request a hearing.

§ 16.34. Formal hearings for noncompliance.

A physician or nurse-midwife who has requested a hearing or who has failed to demonstrate compliance with the MCARE Act will be issued a citation and notice of hearing. The formal hearings will be conducted under Subchapter E (relating to medical disciplinary process and procedures).

§ 16.35. Penalty.

Failure to comply with the MCARE Act, the regulations issued thereunder and this subchapter may result in discipline of a licensee after a formal hearing.

CHAPTER 17. STATE BOARD OF MEDICINE—MEDICAL DOCTORS

Subchapter A. LICENSURE OF MEDICAL DOCTORS

§ 17.4. Extraterritorial license.

(a) An extraterritorial license authorizes a medical doctor who possesses a license to practice medicine and surgery without restriction or an equivalent license, in a

state adjoining this Commonwealth, to practice medicine and surgery in this Commonwealth.

(b) An extraterritorial license will be issued under the following circumstances:

(1) The applicant shall satisfy the following:

(i) Possess a license to practice medicine and surgery without restriction or an equivalent license in a state adjoining this Commonwealth.

(ii) Reside in or maintain an office of practice in the adjoining state near its boundary line with this Commonwealth and desire to extend that practice into this Commonwealth.

(iii) Submit evidence with the application that the applicant is in compliance with professional liability insurance responsibilities imposed by the MCARE Act.

(iv) Arrange for the licensing authority of the adjoining state to file a certification with the Board, issued by that licensing authority, attesting to the fact that the applicant is licensed in that state.

(v) Satisfy the qualifications listed in § 16.12 (relating to general qualifications for licenses and certificates).

(2) The licensing authority of the adjoining state shall reciprocate by extending the same privileges to medical doctors licensed in this Commonwealth.

(c) An extraterritorial license is automatically revoked if the licensee relocates a residence or office of practice, the location of which was relevant to the issuance of the license.

(d) If a medical doctor who holds an extraterritorial license intends to change a residence or office of practice, the location of which was relevant to the issuance of the license, the doctor shall advise the Board, in writing, prior to doing so. If the doctor continues to qualify for an extraterritorial license after the change in residence or office of practice, the doctor may apply for a new extraterritorial license by submitting an application provided by the Board and paying the required fee.

§ 17.6. Temporary license.

* * * * *

(h) Temporary licensees are considered health care providers who conduct 50% or less of their health care business or practice within this Commonwealth for purposes of the MCARE Act.

* * * * *

§ 17.7. Interim limited license.

(a) A person who holds a graduate license is limited to providing medical services embraced within the graduate medical training program in which the person is participating unless that person also holds an interim limited license or other license issued by the Board, other than a graduate license.

(b) An interim limited license empowers the licensee to provide medical services, other than authorized by the graduate medical training program, for a period of up to 12 consecutive months. The Board may extend the validity of an interim limited license for a period of up to 12 additional consecutive months, but no more than one extension may be granted.

(c) To qualify for an interim limited license, an applicant shall satisfy the following:

- (1) Be a graduate of an accredited medical college.
- (2) Hold a valid graduate license.

(3) Have successfully completed a year of graduate medical training.

(4) Have passed an examination specified in § 17.1(a)(1) (relating to license without restriction).

(5) Provide a detailed written statement of the medical services to be provided beyond the parameters of the graduate medical training program.

(6) Have the written approval of the director of the graduate medical training program to provide the enumerated services.

(7) Present evidence of having made arrangements for professional liability insurance coverage in accordance with the MCARE Act.

(8) Satisfy the qualifications listed in § 16.12 (relating to general qualifications for licenses and certificates).

(9) Be evaluated by the Board as having received ample education and training to perform the specified medical services.

[Pa.B. Doc. No. 12-1636. Filed for public inspection August 24, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

IV Therapy Functions for Licensed Practical Nurses

The State Board of Nursing (Board) amends §§ 21.141, 21.145 and 21.203 (relating to definitions; functions of the LPN; and specific curriculum requirements for practical nursing programs) and adds §§ 21.145a and 21.145b (relating to prohibited acts; and IV therapy curriculum requirements) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The amendments are authorized by section 17.6 of the Practical Nurse Law (act) (63 P. S. § 667.6), which authorizes the Board to establish rules and regulations for the practice of practical nursing.

Background and Need for the Final-Form Rulemaking

The final-form rulemaking is necessary due to the increased utilization of peripherally inserted central catheters (PICC) and other centrally inserted intravenous access devices in the patient population cared for in hospitals and health systems in this Commonwealth. In addition, patients are being transferred to long-term care facilities with increasing frequency with complex IV access devices in place. Licensed practical nurses (LPNs) in this Commonwealth are being asked to provide services to these patients. This final-form rulemaking standardizes LPN practice regarding IV access devices and provides mandates for the educational program that must be provided for LPNs working with IV access devices to assure patient safety.

Response to Comments

The proposed rulemaking was published at 40 Pa.B. 2276 (May 1, 2010). The Board received comments from Jodi Yenchik, RNC-LRN, BSN, MJ, DL; Chester County Intermediate Unit (Chester County IU); Fresenius Med-

ical Care North America (Fresenius); Kimberly Huff, RN, MSN; Cassandre Conti, LPN; and The Hospital & Healthsystem Association of Pennsylvania (HAP). The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

Dr. Yenchik, a nursing educator, wrote in support of the proposed rulemaking and did not offer revisions. Kimberly Huff asked whether the “patient-controlled administration system” in § 21.145(g)(11) referred to PCA pumps that would be administering narcotic analgesics such as Demerol. The Board intends the term to include PCA pumps that would be administering narcotic analgesics such as Demerol. Kimberly Huff next asked how parenteral nutrition and fat emulsion solutions, referred to in § 21.145(g)(12), are different from total parenteral nutrition. They are not different. Total parenteral nutrition is another term for these types of solutions. Cassandre Conti wrote to express support of the proposed rulemaking in that it will improve the continuity of care for the patient.

Fresenius provides dialysis services for individuals undergoing dialysis due to end stage renal disease. Fresenius asked the Board to consider permitting LPNs in the dialysis setting to administer IV medications via push or bolus routes. The Board considered Fresenius’ comment. To be consistent with practice in other settings, the Board declined to add specific language to allow LPNs to administer IV medications via push or bolus routes.

Chester County IU commented that two provisions in § 21.145 regarding authority to administer total parenteral nutrition are contradictory. The first provision is the current language that prohibits LPNs from administering total parenteral nutrition. The second provision is new language that permits LPNs to perform the administration, maintenance and discontinuance of parenteral nutrition and fat emulsion solutions. Chester County IU suggests amending the second provision to delete “administration.” However, as indicated by the brackets, the first provision referenced by Chester County IU is being deleted from the regulation. This language is being replaced by the second provision, which allows an LPN who has met the education and training requirements in the regulations to perform administration, maintenance and discontinuance of parenteral nutrition and fat emulsion solutions, also known as total parenteral nutrition. The Board intended to permit properly trained LPNs to administer total parenteral nutrition. For this reason, the Board has not made the suggested amendment. Chester County IU also commented that § 21.145(g)(10) should read “patency” instead of “potency.” The Board agrees that it appears that a typographical error was made in the publication of the proposed rulemaking. Therefore, the Board has corrected the term in the final-form rulemaking.

Finally, Chester County IU commented that the term “focused assessment” was not used consistently throughout the proposed rulemaking. The Board reviewed the entire final-form rulemaking and changed terms it believed were inconsistent. HAP also commented and suggested that the Board reconsider the use of the terms “focused assessment” and “assess” throughout the final-form rulemaking. IRRC also questioned whether inclusion of this term expanded the scope of practice of LPNs. HAP noted that many nurse leaders indicated that the act does not allow for assessment. The Board disagrees. While the act does not specifically mention assessment, it also does not prohibit it. The Board believes that “focused assess-

ment,” as defined in § 21.141, is an appropriate function of an LPN and vital in an LPN’s role in the health care team. The definition is consistent with model regulations of the National Council of State Boards of Nursing (NCSBN). The Board is comfortable with the definition and the term’s incorporation into the regulations.

HAP also commented that the Board should add the definition of “venous access device” because the term is used in § 21.145(g). While “venous access device” is not specifically used in § 21.145, the term “IV access device” is used. “IV access device” is defined in § 21.141. The Board notes that the term “venous access device” did appear in § 21.145b as proposed but amendments to the final-form rulemaking deleted that term. HAP further commented that the Board should give examples of “electronic communication” in § 21.145(f)(4). The Board considered this comment but feels that examples are not needed to improve clarity. HAP also commented that the Board should add a definition of “assistance readily available.” The Board believes this term could have different meanings in different practice settings. The Board prefers not to be too prescriptive in its regulations and would instead prefer to allow “assistance readily available” to be determined in accordance with generally accepted standards of practice in each practice setting. Additionally a search of the term “readily available” on Westlaw revealed that the term is used 142 times in State regulations and 1,051 times in Federal regulations. Therefore, the Board believes that health care settings are familiar with what “readily available” means.

HAP next commented that “maintenance” as used in § 21.145(g)(5) should be defined as there was some confusion among nurse leaders as to what they considered to be IV maintenance as opposed to site care. To address HAP’s concerns, the Board added examples of maintenance functions in § 21.145(g)(5). HAP also asked that the Board define what is “therapeutic phlebotomy” as used in § 21.145a(14). The Board believes that the term has a generally accepted meaning in the medical community and does not need to be defined.

HAP believes that an LPN should not be assigned to a patient whose condition is critical, fluctuating, unstable or unpredictable and recommended that § 21.145(f)(5)(i) be deleted. IRRC asked the Board to explain why this provision is needed and how it adequately protects the health, safety and welfare of the patient. The Board notes that in current practice LPNs are assigned to care for patients of this nature. The proposed subparagraph was written to require the LPN’s supervisor to be physically present in the immediate vicinity of the LPN before an LPN may provide IV therapy to these patients. Therefore, the amendment provides an additional measure to protect the public health, safety and welfare in that it permits LPNs to continue to function in this role with a patient of this nature only when immediate assistance is available to intervene in the care of the patient if needed. As this is the current practice and the regulation adds the requirement that the LPN’s supervisor be in the immediate vicinity, the public is better protected under this final-form rulemaking than when this practice was unregulated. Therefore, the Board declines to delete this subparagraph.

HAP commented that nurse leaders were apprehensive about allowing LPNs to perform IV therapy related to central venous lines. However, HAP also noted that nurse leaders recognized the changing health care delivery system and the need to have LPNs care for patients with PICC lines in alternate care settings. The Board notes

that LPNs are currently engaging in this practice as well as teaching families to do some of these tasks. The Board appreciates HAP's concern with this area of LPN practice but notes that in drafting this final-form rulemaking the Board reviewed the regulations of other states as well as the model rules for LPNs and the practical nurse scope of practice white paper published by the NCSBN and found support for allowing LPNs to perform IV therapy related to central venous lines.

HAP noted that the proposed rulemaking permits LPNs to observe and report subjective and objective signs of adverse reactions to IV administration and to initiate appropriate interventions. HAP asked that the Board consider identifying in § 21.145(g)(2) what the appropriate interventions might be. As these interventions could be case, situation or setting specific, the Board declines to add those to the final-form rulemaking. HAP asked that § 21.145(g)(4) be revised and provided suggested language regarding performance of site care. The Board added the suggested language ("observation of the intravenous insertion site and performance of insertion site care") to the final-form rulemaking. HAP also asked that the Board revise § 21.145(g)(10) to be specific about what solutions could be administered to maintain patency and to limit it to "saline and heparin flushes." As practice moves faster than the Board is able to update regulations, the Board does not want to list specific solutions to be used. Additionally, HAP recommended that § 21.145(g)(13) be deleted because nurse leaders believed collecting blood specimens from an IV access device was not a good practice. The Board notes that in long-term care and home care this is done regularly. The Board believes that collection of blood specimens from an IV access device is a legitimate use of these catheters. Therefore, the Board declines to make the change.

HAP commented that § 21.145a(1) should be clarified that LPNs may not accept orders for blood and blood components. The Board notes that orders are addressed in § 21.145. Section 21.145(b)(1) allows an LPN to accept a written order for medication and therapeutic treatment. Section 21.145(b)(4) prohibits an LPN from accepting an oral order which is not within the scope of functions permitted by that section. If an LPN is prohibited from performing a function, it follows that an LPN may not accept either a written or oral order to perform that function. The Board believes that the prohibition on initiating administration of blood, blood components and plasma volume expanders is a strong enough prohibition without having to go further to say that the LPN cannot accept an order to do that prohibited function. HAP further recommended revising § 21.145a(15) to include deaccessing implantable devices. However, the Board believes that deaccessing these devices is less risky than accessing. Therefore, the Board declines to prohibit deaccessing devices.

HAP also commented regarding the IV therapy curriculum requirements and IRRC echoed these comments. HAP recommended including the number of hours and instructor qualifications. However, the Board generally does not specify hours and instructor qualifications for each type of course offered by LPN programs and declines to do so for IV therapy courses. Instead, §§ 21.191—21.194 (relating to administrative and instructional personnel) set out general faculty requirements and §§ 21.201—21.204 (relating to curriculum) set out curriculum requirements. The Board revised the curriculum requirements in the final-form rulemaking to make them general and therefore in line with the rest of the curriculum requirements. These requirements were added to

§ 21.203 where the curriculum requirements for LPN programs are located. The Board also amended the final-form rulemaking to include the requirement that stand-alone IV therapy courses apply for approval from the Board and added § 21.145b(b) detailing what shall be submitted for approval. While not promulgating instructor qualifications, the Board clarified that the instructors shall have knowledge and skill in the course content taught. This has been a requirement informally in effect as long as the Board has approved stand-alone IV therapy courses. The Board does not want to micromanage approved LPN education programs by telling them how many hours each area of the curriculum must encompass; therefore, the Board did not include that requirement in the final-form rulemaking. HAP also recommended a lab practicum in the curriculum requirements. For the reasons previously mentioned, the Board declines to add the requirement for a lab practicum to the final-form rulemaking.

HAP and IRRC next asked whether the Board will approve LPN IV therapy courses or whether the Board will depend on other established groups to review and approve the courses. The Board will approve the stand-alone courses as previously described. The onus is on the LPN to ensure that he has the required knowledge, skill and ability to perform IV therapy. If the LPN decides that further education is needed, it is also incumbent upon the LPN to ensure that the IV therapy course is approved. The Board already approves practical nursing programs through the process in §§ 21.161—21.166 (relating to approval of practical nursing programs). Therefore, the curriculum content would be approved as part of that process for IV therapy courses that are part of a practical nursing program.

HAP also asked whether LPNs currently performing IV therapy would be required to complete an entire course in IV therapy or only selected portions of the curriculum. Section 21.145(g) says that "[a]n LPN who has met the education and training requirements of § 21.145b may perform the following IV therapy functions." Section 21.145b refers to § 21.203 for the education and training requirements. An LPN currently performing IV therapy would not necessarily be required to complete a course if he has education in the topics in § 21.203. HAP also asked that the Board enact some continued competency requirements regarding IV therapy. This is not something the Board believes is necessary as the Board does not require continued competency for other specific aspects of practice for currently licensed LPNs and to date the General Assembly has not required continuing education for LPNs.

The HPLC commented that the final-form rulemaking should consistently use the terms "registered nurse," "RN" and "licensed professional nurse." The Board revised the final-form rulemaking to use only the term "licensed professional nurse." The HPLC next requested that the Board review § 21.203(d)(8) for consistency with the deletion of existing language in § 21.145(f). The Board has done so in the final-form rulemaking, including moving the curriculum requirements to § 21.203. The HPLC also asked whether LPN programs should continue to provide "[t]echnical and clinical aspects of immunization, skin testing, the performance of venipuncture and the administration and withdrawal of intravenous fluid to the extent each function is authorized under this chap-

ter.” The final-form rulemaking does not change this section. The final-form rulemaking only expands on the IV therapy portion of it. For clarity, in the final-form rulemaking the Board moved the curriculum requirements to § 21.203(d)(8) and left the introductory sentence in § 21.203(d)(8) intact.

In addition to comments that echoed some of the concerns of the public commentators previously discussed, IIRC questioned what effect the regulations would have on LPNs currently administering IV therapy that have not met the curriculum requirements of § 21.145b. LPNs who do not currently have the knowledge, skill and ability to perform IV therapy and LPNs who have not completed IV therapy education as specified in the final-form rulemaking will need further education if they wish to continue to provide IV therapy under the final-form rulemaking. IIRC also asked whether the Board considered providing a grandfathering provision to allow LPNs the necessary time to meet the curriculum requirements. The Board does not believe a grandfather clause is in the public interest because LPNs who do not possess the knowledge, skill and ability and who have not been trained should not be performing IV therapy under these regulations. IIRC also recommended that the Board define “IV therapy.” The Board included a definition of the term in the final-form rulemaking.

IIRC asked the Board to clarify who will provide the instruction and supervision required under § 21.145(a)(2) to an LPN implementing new or unfamiliar nursing practices or procedures. The instruction could be provided by any number of people working with the LPN, including a licensed professional nurse working with the LPN or the LPN’s supervisor. This is the current practice; the Board is merely codifying it. The Board declines to make a change to the final-form rulemaking so as not to be too prescriptive regarding nursing practice.

IIRC suggested deleting the phrases “readily available” and “immediate vicinity” in § 21.145(f)(4) and (5), respectively, because IIRC feels these terms are vague. The Board believes these terms to be clear. A Westlaw search revealed that the term “readily available” was used 142 times in State regulations and 1,051 times in Federal regulations. Each practice setting would require a different standard as to what level of assistance is needed and how it may be made readily available. To change this language, the Board would have to list each different practice setting and attempt to define the level of assistance the LPN needs. This is an impossible task for the Board to undertake. The Board likewise believes that “immediate vicinity” is not a vague term. A Westlaw search revealed that the term “immediate vicinity” used 19 times in State regulations and 155 times in Federal regulations. It is a term that has been defined as “near” or “close at hand.” Again, “immediate vicinity” could change based on practice setting. To change this term, the Board would have to list each practice setting and be very prescriptive about how far away the LPN’s supervisor could be at any time. The Board does not believe that the final-form rulemaking could be amended in a way to make these sections more precise.

Finally, IIRC asked whether § 21.203 should be amended to include a cross reference to § 21.145b. The Board amended both sections in the final-form rulemaking to move the IV therapy curriculum requirements to § 21.203.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions because the costs of the Board’s activities are supported by fees charged to licensees and others who benefit from specific activities of the Board. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth or political subdivisions.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, 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 April 21, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2276, to IIRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IIRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IIRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 13, 2012 the final-form rulemaking was approved by the HPLC. On July 18, 2012, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IIRC met on July 19, 2012, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Cynthia Miller, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The amendments made to the final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 40 Pa.B. 2276.

(4) These amendments to the regulations are necessary and appropriate for the regulation of the practice of professional nurses in this Commonwealth.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by adding §§ 21.145a and 21.145b and by amending §§ 21.141, 21.145 and 21.203 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor’s Note:* Section 21.203 was not included in the proposed rulemaking published at 40 Pa.B. 2276.)

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

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

(d) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOSEPH NAPOLITANO, Ph.D. MPH, RN, CRNP,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4992 (August 4, 2012).)

Fiscal Note: Fiscal Note 16A-5122 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter B. PRACTICAL NURSES

GENERAL PROVISIONS

§ 21.141. Definitions.

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

Act—The Practical Nurse Law (63 P. S. § § 651—667) which establishes standards for the education of practical nurses and the practice of practical nursing.

Approved—Approved by the Board.

Board—The State Board of Nursing of the Commonwealth.

Bolus—A concentrated medication or solution given rapidly over a short period of time.

Central venous catheter—An intravenous (IV) catheter, the tip of which terminates beyond the peripheral vasculature and may be either tunneled, implanted or percutaneously inserted.

Examination year—The period beginning on October 1st of a year through September 30th of the following year.

Focused assessment—Appraisal of an individual's current status and situation, which contributes to comprehensive assessment by the licensed professional nurse and supports ongoing data collection.

Graduate practical nurse—An individual who has graduated from an approved program of practical nursing in this Commonwealth or a comparable program in another state.

IV access device—A centrally or peripherally inserted catheter used for the purpose of intravenous infusion therapy, including peripheral short catheters, peripheral midline catheters, peripherally inserted central catheters and central catheters, including tunneled, nontunneled catheters and implanted ports.

IV therapy—The administration of fluids, electrolytes, nutrients or medications by the venous route.

LPN—Licensed practical nurse. A nurse licensed under this subchapter to practice in this Commonwealth.

Oral order—A spoken order issued by a practitioner authorized by law and by facility policy to issue orders for medical and therapeutic measures.

PICC—*Peripherally inserted central catheter*—An IV catheter, the tip of which terminates in the superior vena cava and is confirmed by chest x-ray.

Patient (includes residents and clients)—A person, other than a spouse or immediate family member, who receives professional services from a licensed practical nurse, regardless of whether or not the nurse receives remuneration for the services.

Peripheral midline catheter—A peripherally inserted catheter, the tip of which terminates no further than the axilla and is between 3 inches and 8 inches (7.5 cm and 20 cm) in length.

Peripheral short catheter—A venous access device less than 3 inches (7.5 cm) in length.

Practice of practical nursing—The performance of selected nursing acts in the care of the ill, injured or infirm under the direction of a licensed professional nurse, a licensed physician or a licensed dentist which do not require the specialized skill, judgment and knowledge required in professional nursing.

Professional relationship—The relationship which shall be deemed to exist for a period of time beginning with the first professional contact or consultation between a licensed practical nurse and a patient and ending with the final professional contact between them. The administration of emergency medical treatment or transitory trauma care will not be deemed to establish a professional relationship.

Sexual impropriety—The term includes the following offenses:

(i) Making sexually demeaning or sexually suggestive comments about or to a patient, including comments about a patient's body or undergarments.

(ii) Unnecessarily exposing a patient's body or watching a patient dress or undress, unless for therapeutic purposes or the patient specifically requests assistance.

(iii) Examining or touching genitals without the use of gloves when performing an otherwise appropriate examination.

(iv) Discussing or commenting on a patient's potential sexual performance or requesting details of a patient's sexual history or preferences during an examination or consultation, except when the examination or consultation is pertinent to the issue of sexual function or dysfunction or reproductive health care. Discussion of a patient's sexual practices and preferences shall be fully documented in the patient's chart.

(v) Soliciting a date from a patient.

(vi) Volunteering information to a patient about one's sexual problems, preferences or fantasies.

Sexual violation—The term includes the following offenses:

(i) Sexual intercourse between an LPN and a patient during the professional relationship.

(ii) Genital to genital contact between a nurse and a patient during the professional relationship.

(iii) Oral to genital contact between a nurse and a patient during the professional relationship.

(iv) Touching breasts, genitals or any other body part for any purpose other than appropriate examination or treatment, or using prolonged or improper examination techniques, or after the patient has refused or withdrawn consent.

(v) Encouraging a patient to masturbate in the presence of the nurse or masturbating while the patient is present.

(vi) Providing or offering to provide drugs or treatment in exchange for sexual favors.

(vii) Using or causing the use of anesthesia or any other drug affecting consciousness for the purpose of engaging in any conduct that would constitute a sexual impropriety or sexual violation.

Titration of IV medications—A process by which medication is administered and dosages are adjusted through a continuous medication-containing intravenous infusion (such as vasoactive drugs, anticoagulants, psychotropic drugs, neuromuscular drugs, hormones, and the like) to effect a desired state based upon patient assessment data and prescribed parameters.

§ 21.145. Functions of the LPN.

(a) The LPN is prepared to function as a member of the health-care team by exercising sound nursing judgment based on preparation, knowledge, experience in nursing and competency. The LPN participates in the planning, implementation and evaluation of nursing care using focused assessment in settings where nursing takes place.

(1) An LPN shall communicate with a licensed professional nurse and the patient's health care team members to seek guidance when:

(i) The patient's care needs exceed the licensed practical nursing scope of practice.

(ii) The patient's care needs surpass the LPN's knowledge, skill or ability.

(iii) The patient's condition deteriorates or there is a significant change in condition, the patient is not responding to therapy, the patient becomes unstable or the patient needs immediate assistance.

(2) An LPN shall obtain instruction and supervision if implementing new or unfamiliar nursing practices or procedures.

(3) An LPN shall follow the written, established policies and procedures of the facility that are consistent with the act.

(b) The LPN administers medication and carries out the therapeutic treatment ordered for the patient in accordance with the following:

(1) The LPN may accept a written order for medication and therapeutic treatment from a practitioner authorized by law and by facility policy to issue orders for medical and therapeutic measures.

(2) The LPN may accept an oral order if the following conditions are met:

(i) The practitioner issuing the oral order is authorized by law and by facility policy to issue oral orders for medical and therapeutic measures.

(ii) The LPN has received instruction and training in accepting an oral order in an approved nursing education

program or has received instruction and training in accepting an oral order in accordance with the established policies and protocols of the facility.

(iii) The policy of the facility permits an LPN to accept an oral order.

(iv) The regulations governing the facility permit an LPN to accept an oral order.

(3) The LPN shall question any order which is perceived as unsafe or contraindicated for the patient or which is not clear and shall raise the issue with the ordering practitioner. If the ordering practitioner is not available, the LPN shall raise the issue with a registered nurse or other responsible person in a manner consistent with the protocols or policies of the facility.

(4) The LPN may not accept an oral order which is not within the scope of functions permitted by this section or which the LPN does not understand.

(5) An oral order accepted by the LPN shall be immediately transcribed by the LPN in the proper place on the medical record of the patient. The transcription shall include the prescriber's name, the date, the time of acceptance of the oral order and the full signature of the LPN accepting the oral order. The countersignature of the ordering practitioner shall be obtained in accordance with applicable regulations of the Department of Health governing the licensed facility.

(c) The LPN participates in the development, revision and implementation of policies and procedures designed to insure comfort and safety of patients in collaboration with other health care personnel.

(d) The Board recognizes codes of behavior as developed by appropriate practical nursing associations as the criteria for assuring safe and effective practice.

(e) The LPN may administer immunizing agents and do skin testing only if the following conditions are met:

(1) The LPN has received and satisfactorily completed a Board approved educational program which requires study and supervised clinical practice intended to provide training necessary for administering immunizing agents and for performing skin testings.

(2) A written order has been issued by a licensed physician pertaining to an individual patient or group of patients.

(3) Written policies and procedures under which the LPN may administer immunizing agents and do skin testing have been established by a committee representing the nurses, the physicians and the administration of the agency or institution employing or having jurisdiction over the LPN. A current copy of the policies and procedures shall be provided to the LPN at least once every 12 months. The policies and procedures shall provide for:

(i) Identification of the immunizing and skin testing agents which the LPN may administer.

(ii) Determination of contraindications for the administration of specific immunizing and skin testing agents.

(iii) The listing, identification, description and explanation of principles, including technical and clinical indications, necessary for the identification and treatment of possible adverse reactions.

(iv) Instruction and supervised practice required to insure competency in administering immunizing and skin testing agents.

(f) An LPN may perform only the IV therapy functions for which the LPN possesses the knowledge, skill and ability to perform in a safe manner, except as limited under § 21.145a (relating to prohibited acts), and only under supervision as required under paragraph (1).

(1) An LPN may initiate and maintain IV therapy only under the direction and supervision of a licensed professional nurse or health care provider authorized to issue orders for medical therapeutic or corrective measures (such as a CRNP, physician, physician assistant, podiatrist or dentist).

(2) Prior to the initiation of IV therapy, an LPN shall:

- (i) Verify the order and identity of the patient.
- (ii) Identify allergies, fluid and medication compatibilities.
- (iii) Monitor the patient's circulatory system and infusion site.
- (iv) Inspect all equipment.
- (v) Instruct the patient regarding the risk and complication of therapy.

(3) Maintenance of IV therapy by an LPN shall include ongoing observation and focused assessment of the patient, monitoring the IV site and maintaining the equipment.

(4) For a patient whose condition is determined by the LPN's supervisor to be stable and predictable, and rapid change is not anticipated, the supervisor may supervise the LPN's provision of IV therapy by physical presence or electronic communication. If supervision is provided by electronic communication, the LPN shall have access to assistance readily available.

(5) In the following cases, an LPN may provide IV therapy only when the LPN's supervisor is physically present in the immediate vicinity of the LPN and immediately available to intervene in the care of the patient:

- (i) When a patient's condition is critical, fluctuating, unstable or unpredictable.
- (ii) When a patient has developed signs and symptoms of an IV catheter-related infection, venous thrombosis or central line catheter occlusion.
- (iii) When a patient is receiving hemodialysis.

(g) An LPN who has met the education and training requirements of § 21.145b (relating to IV therapy curriculum requirements) may perform the following IV therapy functions, except as limited under § 21.145a and only under supervision as required under subsection (f):

- (1) Adjustment of the flow rate on IV infusions.
- (2) Observation and reporting of subjective and objective signs of adverse reactions to any IV administration and initiation of appropriate interventions.
- (3) Administration of IV fluids and medications.
- (4) Observation of the IV insertion site and performance of insertion site care.
- (5) Performance of maintenance. Maintenance includes dressing changes, IV tubing changes, and saline or heparin flushes.
- (6) Discontinuance of a medication or fluid infusion, including infusion devices.
- (7) Conversion of a continuous infusion to an intermittent infusion.
- (8) Insertion or removal of a peripheral short catheter.

(9) Maintenance, monitoring and discontinuance of blood, blood components and plasma volume expanders.

(10) Administration of solutions to maintain patency of an IV access device via direct push or bolus route.

(11) Maintenance and discontinuance of IV medications and fluids given via a patient-controlled administration system.

(12) Administration, maintenance and discontinuance of parenteral nutrition and fat emulsion solutions.

(13) Collection of blood specimens from an IV access device.

§ 21.145a. Prohibited acts.

An LPN may not perform the following IV therapy functions:

- (1) Initiate administration of blood, blood components and plasma volume expanders.
- (2) Administer tissue plasminogen activators, immunoglobulins, antineoplastic agents or investigational drugs.
- (3) Access a central venous route access device used for hemodynamic monitoring.
- (4) Administer medications or fluids via arterial lines.
- (5) Administer medications via push or bolus route.
- (6) Administer fibrinolytic or thrombolytic agents to declot any IV access device.
- (7) Administer medications requiring titration.
- (8) Insert or remove any IV access device, except a peripheral short catheter.
- (9) Access or program an implanted IV infusion pump.
- (10) Administer IV medications for the purpose of procedural sedation or anesthesia.
- (11) Administer fluids or medications via an epidural, intrathecal, intraosseous or umbilical route, or via a ventricular reservoir.
- (12) Administer medications or fluids via an arteriovenous fistula or graft, except for dialysis.
- (13) Perform repair of a central venous route access device or PICC.
- (14) Perform therapeutic phlebotomy.
- (15) Direct access of implantable devices.

§ 21.145b. IV therapy curriculum requirements.

(a) An IV therapy course provided as part of the LPN education curriculum in § 21.203 (relating to specific curriculum requirements for practical nursing programs) or as a stand-alone course offered by a provider shall include instruction of the topics in § 21.203(d)(8). An instructor of a stand-alone course shall have knowledge and skill in the aspect of the course content taught.

(b) Providers of stand-alone courses shall apply for approval from the Board before offering an IV therapy course. The request for approval must include the following:

- (1) A course outline that includes the components of the IV therapy course required under § 21.203(d)(8).
- (2) A description of the methods of instruction and the clinical learning experiences provided.
- (3) A description of specific methodologies and tools that evaluate the learner's achievement of the objectives.

(4) A list of faculty membership and verification that the instructors have knowledge and skill in the aspect of the content taught.

CURRICULUM

§ 21.203. Specific curriculum requirements for practical nursing programs.

* * * * *

(d) The curriculum shall provide instruction in the following areas:

(1) Physical and biological sciences, including appropriate content from basic human anatomy and physiology as well as elementary principles of chemistry, microbiology, physics and normal nutrition.

(2) Social and behavioral sciences including psychosocial facts and principles basic to personal adjustment and to nursing practice as well as appropriate content on the family and development stages from birth to senescence.

(3) Concurrent or sequential theory and clinical experience in:

- (i) The care of patients with simple nursing needs.
- (ii) The care of patients with short-term nursing needs.
- (iii) The care of patients with long-term nursing needs.

(4) Clinical experience, as provided in paragraph (3), in the care of men, women and children in a variety of age groups with health problems characteristic of the age group involved.

(5) Theory, as required in paragraph (3), including appropriate knowledge from diet therapy and pharmacology, as well as scientific facts and selected clinical concepts which are essential as a basis for nursing action and are applicable to patient care.

(6) Learning experiences, as required in paragraph (3), providing opportunities for the student to:

- (i) Develop an awareness of the needs of patients.
- (ii) Learn to plan and give nursing care to selected individuals in various nursing situations that are relatively free of complexity.
- (iii) Learn to plan and give nursing care to a group of selected patients.
- (iv) Learn to assist the professional nurse in more complex nursing situations.

(7) Content, as required in paragraph (3), drawn from information about ethical, moral and legal responsibilities of the practical nurse, current trends in nursing and health delivery systems and vocational development.

(8) Technical and clinical aspects of immunization, skin testing, the performance of venipuncture and the administration and withdrawal of intravenous fluids to the extent each function is an authorized function of an LPN under this chapter. An IV therapy course must include instruction in the following topics:

- (i) Definition of IV therapy and indications.
- (ii) Types of vascular access delivery devices.

- (iii) Age-related considerations.
- (iv) Legal implications for IV therapy.
- (v) Anatomy and physiology.
- (vi) Fluid and electrolyte balance.
- (vii) Infusion equipment used in IV therapy.
- (viii) Parenteral solutions and indications.
- (ix) Infection control and safety.
- (x) Insertion of peripheral short catheters.
- (xi) Administration, maintenance and monitoring of peripheral IV therapy.
- (xii) Complications and nursing interventions.
- (xiii) Central and peripheral vascular devices.
- (xiv) Administration, maintenance and monitoring of central and peripheral IV therapy.
- (xv) Documentation.
- (xvi) Patient education.

* * * * *

[Pa.B. Doc. No. 12-1637. Filed for public inspection August 24, 2012, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists

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

Description and Need for the Final-Form Rulemaking

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's licensing boards. It further provides that a penalty may not exceed \$1,000 per violation. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, a licensee who receives an Act 48 citation has the right to a hearing and retains his due process right of appeal prior to the imposition of discipline. The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) has had an Act 48 schedule of civil penalties since 2001. See 31 Pa.B. 1227 (March 3, 2001).

The Board reviewed its entire Act 48 schedule following the decision in *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 to Timothy Evans under section 4(e) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P.S. § 151(e)) for practicing geology on a lapsed license, including by holding himself out as a licensee. Section 3(a) of the 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 the 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 authorizes the Board, among other things, to require licensees to register biennially with the Board and to collect the biennial registration fee, to issue biennial registration to those licensees who renew, to suspend the licenses of persons who do not renew and to reinstate the licenses of those persons who thereafter renew and pay the registration fees. Because section 4(e) of the act empowers the Board to do many tasks but does not impose any 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, based upon allegations of practicing on a lapsed license by holding oneself out as a licensee, the Commonwealth should have charged under section 3(a) of the act that generally prohibits unlicensed practice, as section 3(b) of the act construes holding oneself out as a licensee to be, 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 did not mention section 3(a) of the act, but only provided for sections 3(b) and 4(e) of the act for unlicensed practice by holding out and for practice on a lapsed license, respectively.

As previously indicated, the Board's Act 48 schedule of civil penalties formerly authorized issuance of a citation under section 4(e) of the act for first offense of "biennial renewal—practicing on a lapsed license or registration." In accordance with the holding in *Evans*, the Board deletes this provision. In its place, the Board provides for a citation for violating § 37.18(3) by practicing on a lapsed license for less than one renewal cycle while in compliance with the continuing education requirements. The Board did not include a provision for practicing on a lapsed license while not in compliance with the continuing education requirements.

The schedule formerly authorized issuance of a citation under section 3(b) of the act for "representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, without being licensed or registered." This schedule provides that the penalty for a first offense is a civil penalty of \$1,000 and for a subsequent offense is formal action. Following the holding in *Evans*, the Board is amending this description to make clear that the citation is for violating section 3(a) of the act as construed by section 3(b) of the act and not simply for "violating" section 3(b) of the act.

Summary of Comments and Responses to Proposed Rule-making

The Commissioner published a notice of proposed rule-making at 41 Pa.B. 4538 (August 20, 2011) with a 30-day public comment period. The Board did not receive written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC). The Independent Regulatory Review Commission (IRRC) notified the Board that it did not have comments. The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC recommended either deleting the § 37.18 provision or adding another provision to address practicing on a lapsed license without being in compliance with the continuing education requirements along with a harsher penalty for this violation. The Board agrees that a licensee who has not completed the continuing education requirements and continues to practice despite not renewing (for which completion of continuing education is a condition) generally merits a harsher sanction than a licensee who has completed the required continuing education and continues to practice despite simply failing to complete the necessary paperwork and pay the fee. For this reason, the Board intends that licensees who are charged with practicing on a lapsed license while not in compliance with the continuing education requirements should not simply receive a citation with a maximum civil penalty of \$1,000. Instead, charges should be addressed through formal action for which the maximum sanction would be the suspension or revocation of the license and a civil penalty of \$10,000. See section 4(g) of the act (the Board may suspend or revoke the license of a licensee who commits misconduct in the practice of the profession, including violating a provision of the act or Board regulations); section 11(b) of the act (63 P.S. § 158(b)) (the Board may levy a civil penalty on a licensee who violates a the act or on a person who practices the profession without being properly licensed to do so); and section 5(b)(4) of Act 48 (a licensing board may levy civil penalty of up to \$10,000 on a licensee who violates a provision of the applicable licensing act or board regulation). Because this remedy is available by means of formal action for anything not on the Act 48 schedule of civil penalties, the Board has not revised its schedule in response to this comment.

Fiscal Impact and Paperwork Requirements

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

Effective Date

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

Statutory Authority

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4538, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 13, 2012, the final-form rulemaking was approved by the HPLC. On July 18, 2012, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective July 18, 2012.

Additional Information

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

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 41 Pa.B. 4538.

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

Order

The Commissioner, acting under the authority of Act 48, orders that:

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

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

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

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

KATIE TRUE,
Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4992 (August 4, 2012).)

Fiscal Note: Fiscal Note 16A-54 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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

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

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

*Violation Under
63 P. S.*

Title/Description

Penalties

Section 150(a)

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 63 P. S. § 150(b), without being licensed or registered

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

Section 151.5(a)

Failure to complete the required amount of continuing education

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

*Violation Under
49 Pa. Code
Chapter 37*

Title/Description

Penalties

Section 37.111(f)

Failure to respond to continuing education
audit request within 30 days or other time
period in audit request

First offense—\$100

Second offense—\$250

Third offense—\$500

Subsequent offense—formal action

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. 12-1638. Filed for public inspection August 24, 2012, 9:00 a.m.]



PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 441]

Access to and Occupancy of Highways by Driveways and Local Roads

The Department of Transportation, Bureau of Maintenance and Operations, under the authority in section 420 of the State Highway Law (act) (36 P. S. § 670-420), proposes to amend Chapter 441 (relating to access to and occupancy of highways by driveways and local roads) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 441 is to regulate the location, design, construction and maintenance of driveways, local roads and structures within State highway right-of-way to provide safe and efficient transportation operations, security, economy of maintenance and preservation of proper drainage while authorizing safe and reasonable access to the highway.

Purpose of this Proposed Rulemaking

The purpose of this proposed rulemaking is to better reconcile the needs of motorists operating in normal highway traffic and the needs of motorists entering or leaving State highway right-of-way from adjacent property. Except with respect to limited-access highways, owners of property adjacent to State highways have a right of reasonable access. At the same time, the efficiency and safety of a highway is affected by the amount and type of interference caused by accessing traffic. As the number of access points onto a highway increases, the ability of the highway to provide for the unimpeded and reasonably safe movement of traffic is diminished.

The proposed rulemaking includes amendments to address two areas: 1) to clarify who can apply for a permit or who can submit the permit application, or both; and 2) to update out-of-date sections of the regulations.

To clarify who can apply for a permit, the definition of "owner" is proposed to be expanded to allow additional people with an interest in the property to apply. To broaden who can submit an application, the term "agent" is proposed to be added to § 441.1 (relating to definitions) to allow an agent to submit on behalf of the owner.

To update out-of-date sections, the proposed rulemaking includes amendments to address the following: to incorporate the use of the Department's Electronic Permitting System; to delete the permit fees from the regulations and to provide provisions that allow the Department to publish the permit fees in the *Pennsylvania Bulletin*; to update sight distance requirements by replacing the values, tables and formulas with a reference to Department Publication 13M (Highway Design Manual) which uses the American Association of State Highway and Transportation Officials' (AASHTO) Intersection Sight Distance and AASHTO's Stopping Sight Distance; to replace driveway design criteria and layout figures with references to Department Publication 282 (Highway Occupancy Permit Manual), where the information will be placed; and to update outdated references and definitions so terminology is consistent with current Department usage in other regulations, policies and publications.

Significant Provisions of the Proposed Amendments

Significant amendments to the chapter include the following:

The proposed amendments to § 441.1 include the addition definitions of "agent," "Deputy Secretary," "Electronic Permitting System," "fee owner," "intersection sight distance," "local governments" and "owner." These terms are proposed to be added because they are used in other amendments throughout this chapter.

The definitions of "combination," "director," "Form 408," "intermediate island," "own," "roadway construction standards," "setback," "turning radius" and numerous Department publications are proposed to be deleted. These terms are proposed to be deleted because they are either replaced with more appropriate terms or no longer used in this chapter.

The definitions of "Central Permit Office," "low volume driveway" and "medium volume driveway" are proposed to be amended to make corrections or to clarifications.

Proposed amendments to § 441.3(b) (relating to permit application procedure) state that permit applications must be in the name of the owner or, when applicable, the owners of the property or a local government. If the owner who is applying for the permit is not the fee owner or a local government, the applicant will be required to notify the fee owner that an application has been submitted and to secure the approval of the fee owner or to indemnify the Commonwealth, in a form acceptable to the Department, against an action which the fee owner may bring against the Commonwealth regarding the permit or permit application.

The term "own" is proposed to be replaced by "owner" and "fee owner" in § 441.1. "Owner" is defined as a person who holds fee title to land or a person who holds an estate or other legal interest in property, such as an easement, a lease, a license, subsurface rights or an equitable interest under a sales agreement or option to purchase. "Fee owner" is defined as a person who holds fee title to land or a tenant in a lease that will not terminate within 15 years of the permit issuance date.

Proposed amendments to § 441.3(b) further state that a permit application shall be submitted by the applicant or by an agent on behalf of the applicant, in which case the application must be accompanied by an agent authorization form acceptable to the Department.

Proposed amendments to § 441.3(c) and (e)(1) require applicants to use the Department's Internet-based Electronic Permitting System to submit applications. Language is proposed to be added that will allow the Department to accept paper applications if necessary.

Further proposed amendments to § 441.3(e) accommodate the use of the Electronic Permitting System by deleting the requirement to submit five sets of plans, references to microfilming as the permit plans will be stored electronically and, under payment, "by check or money order" to allow for electronic payment.

Proposed amendments to § 441.4 (relating to permit fees) replace the existing fees with a paragraph that states the Department will prescribe a fee schedule for application processing, review of the application and associated materials, permit inspection, permit supplement and miscellaneous fees payable to the Department in connection with permits. The fee schedule will be

published in the *Pennsylvania Bulletin*. The Department may periodically review and revise the schedule and publish a revised schedule in the *Pennsylvania Bulletin*. The fees will not exceed the approximate reasonable cost to process the application, review the application and associated materials, record and issue the permit, amend the permit and inspect the permitted work.

Proposed amendments to § 441.5(a) (relating to issuance of permits) delete the text that states the permit will serve as a receipt for the fees accompanying the application because review fees will not be invoiced and collected until after the permit has been issued.

Proposed amendments to § 441.5(e)(1) and §§ 441.8(m)(3) and 441.10(b)(2) (relating to driveway design requirements; and penalties and enforcement) replace “director” with “Deputy Secretary or a designee” to be consistent with policy currently being used by the Department.

Proposed amendments to § 441.5(h) state that when the permitted work has been completed the permittee shall provide written notification to the district office instead of stating that the permittee shall mail the Department form/post card.

Section 441.5(i) is proposed to be deleted because permits, permit plans and other material will be stored electronically using the Electronic Permitting System.

Proposed amendments to § 441.8(a) and (b) delete references to the driveway configuration figures in § 441.9 (relating to driveway layout illustrations) and instead reference the figures in Department Publication 282.

Proposed amendments to § 441.8(h) replace the desirable sight distance values in Tables 1—6 with references to the intersection sight distance in Department Publication 13M. The minimum acceptable sight distance formula is proposed to be deleted. If the intersection sight distance is impractical or infeasible to achieve, the applicant may use the stopping sight distance in Department Publication 13M. The proposed rulemaking still requires longer intersection sight distance when attainable to allow for better operation of the driveway and State routes.

Proposed amendments to § 441.8(i)(4) delete Figure 1 and references Department Publication 282 for design standards and guidelines.

Proposed amendments to § 441.8(i)(5) delete the design restrictions and figures for driveway aprons and depressed curb and instead references Department design standards.

Section 441.9 is proposed to be deleted. References to the figures and illustrations in this section throughout this chapter have been updated to reference the standard access configuration details in Department Publication 282.

Persons and Entities Affected

This proposed rulemaking will affect property owners, including municipalities, who propose to create an access to a State highway or to significantly change the design, operation or location of an existing access. The affected persons will be required to submit to the Department applications and plans for permits which detail the particulars of the proposed occupancy in accordance with this proposed rulemaking.

Fiscal Impact

This proposed rulemaking should not increase costs for the Commonwealth or local governments. Costs to the

Commonwealth may decrease if the fees are increased through periodic publication in the *Pennsylvania Bulletin* to help offset the cost of the highway occupancy permit program.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

Sunset Provisions

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under section 420 of the act. The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Charles Goodhart, Director, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0064 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this proposed rulemaking is Glenn C. Rowe, Division Chief, Traffic Engineering and Operations, Bureau of Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17108-2047, (717) 783-6479.

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-433. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 441. ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS

§ 441.1. Definitions.

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

* * * * *

Agent—A person who is authorized to act on behalf of the owner.

Central Permit Office—The Department office for the control of issuance of permits located at:

Pennsylvania Department of Transportation
[Central Permit Office]
Bureau of Maintenance and Operations
400 North Street, 6th Floor
Harrisburg, Pennsylvania [17120-0041] 17120-0064

[*Combination*—Two or more vehicles physically interconnected in tandem.]

* * * * *

Deputy Secretary—Deputy Secretary for Highway Administration.

[*Director*—The director of the Department's Bureau of Highway Services.]

* * * * *

Electronic Permitting System—The Department's web application used to submit, review, track and store highway occupancy permits, applications, plans, documents and engineering studies.

Equipment—All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and completion of the work.

Fee owner—A person who holds fee title to land or a tenant in a lease that does not terminate within 15 years of the permit issuance date.

[*Form 408*—The latest revision of highway construction specifications issued by the Department.]

* * * * *

[*Intermediate island*—The section of right-of-way between driveways from the pavement edge or curb to the property line.]

Intersection sight distance—The distance required by a driver traveling at a given speed to perceive the presence of potentially conflicting vehicles in sufficient time to stop or adjust his speed to avoid colliding in the intersection.

* * * * *

Local governments—Townships, cities, boroughs, incorporated towns, home rule municipalities and counties.

Local road—Every public highway other than a State highway. The term includes existing or proposed streets, lanes, alleys, courts, and ways.

Low volume driveway—A driveway used or expected to be used by more than 25 but [less] not more than 750 vehicles per day.

* * * * *

Medium volume driveway—A driveway used or expected to be used by more than 750 but [less] not more than 1500 vehicles per day.

* * * * *

[*Own*—To hold title to land or a building or be a tenant in a lease that will not terminate within 15 years of the permit issuance date.]

Owner—A person who holds fee title to land or a person who holds an estate or other legal interest in property, such as an easement, a lease, a license, subsurface rights or an equitable interest under a sales agreement or option to purchase.

* * * * *

[*Publication 43*—A Department publication, sometimes called "Bulletin 43," containing requirements for the maintenance and protection of traffic on construction projects.

Publication 68—A Department publication containing regulations governing the design, location, and operation of all official traffic signs, signals, and markings on and along highways.

Publication 90—A Department publication containing requirements for work area traffic control during highway maintenance operations and utility work.]

* * * * *

[*Roadway construction standards*—Department Publication No. 72 containing the Department's design standards for roadway construction.]

* * * * *

[*Setback*—The lateral distance between the right-of-way line and the roadside building, liquid fuel pump island, display stand, or other object, which will result in space for vehicles to stop or park between such objects and the right-of-way line.]

* * * * *

[*Turning radius*—The radius of an arc which approximates the turning path of the exterior corner of a vehicle.]

* * * * *

§ 441.3. Permit application procedure.

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(b) *Who may [execute applications] apply for a permit.* Permit applications shall be submitted in the name of [and executed by] the owner of the property or in the name of a local government.

(1) If the applicant who is applying for the permit is not the fee owner of the property or a local government, the applicant shall notify the fee owner that an application has been submitted. The applicant is required to do either of the following:

(i) Secure the approval of the fee owner to submit the application.

(ii) Indemnify the Commonwealth, in a form acceptable to the Department, against an action which the fee owner may bring against the Commonwealth relating to the permit or permit application.

(2) Permit applications may be submitted by an agent on behalf of the applicant if accompanied by an agent authorization form acceptable to the Department.

(c) *Where to submit [application] applications.* [Permit applications shall be submitted to either the district or county office having jurisdiction over the county in which the proposed work will be

performed.] Permit applications shall be submitted through the Department's Internet-based Electronic Permitting System, which can be accessed through the Department's web site. If necessary, the district or county office having jurisdiction over the county where the proposed work will be performed may accept paper applications and supporting documents.

* * * * *

(e) *Application procedure and required information.* Permit applications:

(1) Shall be submitted through the Department's Electronic Permitting System. At the Department's discretion, applications may be submitted in person or by mail on a properly completed Department [Form M-945A] application form.

* * * * *

(3) Shall include [five sets of] plans, of a quality sufficient for [microfilming] electronic storage and in a form acceptable to the Department, detailing the location and pertinent dimensions of both the proposed installation and related highway features.

(4) Shall [be accompanied by a check or money order, payable to the Department,] include payment in the appropriate amount, as set forth in § 441.4 (relating to permit fees).

* * * * *

(f) *Traffic control plan.* Submission of the traffic control plan shall be as follows:

* * * * *

(3) The traffic control plan shall be either of the following:

(i) A detailed drawing, showing all traffic control devices.

(ii) [a] A reference to a standard drawing found in [Publication 43 or Publication 90] Publication 213 (Temporary Traffic Control Guidelines), provided the referenced standard drawing properly depicts the work area and completely addresses the needed traffic control.

* * * * *

(h) *Drainage release for other than minimum use driveways.* If it can reasonably be anticipated that there will be an increase in the flow of water onto the property of some other person as a result of action, authorized by the permit, a drainage release shall be submitted with the application. Where possible, drainage releases [—Form L-15 or CC-15—], in a form acceptable to the Department, will be obtained, by and at the expense of the applicant, from all property owners over whose land additional drainage will flow. All drainage releases shall be notarized and recorded, by and at the expense of the applicant, in the County Office of the Recorder of Deeds. If a drainage release cannot be obtained from any affected property owner, the Department may nonetheless issue a permit if it determines that there is no reasonable and prudent alternative available to the applicant and the applicant executes an indemnification [agreement] acceptable to the Department.

* * * * *

§ 441.4. Permit fees.

[(a) *Permit issuance fees.* Issuance fees shall be used to defray costs incurred by the Department in reviewing and processing the application and plan, including the preliminary review of the site location identified in the application, and issuing and processing the permit.

(1) Issuance fees shall be as follows:

- (i) Minimum use driveways—\$15.
- (ii) Low volume driveways—\$30.
- (iii) Medium volume driveways—\$40.
- (iv) High volume driveways—\$50.

(2) Supplement fee each six-month time extension or each submitted change shall be—\$10.

(b) *General permit inspection fees.* General inspection fees shall be used to defray costs incurred by the Department in spot inspection of permitted work or subsequent inspection after the permitted work has been completed, to insure compliance with the permit and this chapter; they shall be as follows:

- (1) Minimum use driveway—\$10 each.
- (2) Low volume driveway—\$20 each.
- (3) Medium volume driveway—\$35 each.
- (4) High volume driveway—\$50 each.]

(a) *Fee schedule.* The Department will prescribe a fee schedule for application processing, review of the application and associated materials, permit inspection, permit supplement and miscellaneous fees payable to the Department in connection with permits.

(1) The fee schedule will be published in the *Pennsylvania Bulletin*.

(2) The Department may periodically review and revise the schedule and publish a revised schedule in the *Pennsylvania Bulletin*.

(3) The fees will not exceed the approximate reasonable cost to process the application, review the application and associated materials, record and issue the permit, amend the permit and inspect the permitted work.

[(c)] (b) *Exemptions.* [Permit issuance fees and general permit inspection fees shall not be] Application processing, application review, permit inspection and permit supplement fees are not payable by any of the following:

* * * * *

[(d) *Additional inspection fees.* If the Department determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employes to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead, and expenses incurred by the Department for inspection.

(e) *Refunds.* The Department will refund the general permit inspection fees on unused permits. In order to be eligible to receive such a refund, the permittee shall deliver the request with the permit-

tee's copy of the permit to the issuing district permit office on or before the permit expiration date.

(1) A refund processing fee of \$10 shall be deducted from the general permit inspection fees.

(2) The permit issuance fee shall not be refundable on unused permits.

(f) *Miscellaneous fees.* The applicant shall pay notary and recording costs including the cost of recording the permit in the County Office of the Recorder of Deeds when required, and the cost of all drainage releases. Permits shall be recorded whenever deemed necessary by the Department, including when:

(1) a permit requires drainage facilities to be installed and maintained;

(2) a permit authorizes one or more high volume driveways to be constructed; or

(3) an access covenant (Form CC-14) is executed with the permit as specified in paragraph (16) of § 441.6 of this title (relating to general conditions).]

§ 441.5. Issuance of permits.

(a) *General rule.* Upon application duly made, in accordance with this chapter, a permit will be issued by the appropriate district office, subject to this chapter and the conditions contained on the permit and its attachments and supplements. The permit will be the authority of the applicant to proceed with the work [and will also serve as a receipt for the fees accompanying the application].

* * * * *

(e) *Waiver of design requirements.* Waiver of design requirements shall be as follows:

(1) If any design requirement set forth in this chapter cannot be met, the [director] Deputy Secretary or a designee may waive the requirement if the following conditions are satisfied:

* * * * *

(h) *Work completion notification.* When all permitted work has been completed, the [self-addressed post card (Form M-945G) which accompanies the permit shall be mailed] permittee shall provide written notification to the district office.

[(i) *Permanent permit microfilm record.* The permit, together with plans, relevant correspondence, and any supplements issued, will be microfilmed, and the microfilm record will be retained in the central permit office.]

§ 441.6. General conditions.

The following conditions shall apply to permits issued under the provisions of this chapter:

(1) *Scope of permit.* The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns.

* * * * *

(vii) Disputes between the permittee and the Department shall be governed by the appropriate provisions in [Form 408] Publication 408 (Specifications).

* * * * *

(3) *Work to conform to Department standards.* The work shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Department including, but not limited to, [Form] Publication 408. If at any time it shall be found by the Department that the work is not being done or has not been properly performed, the permittee upon being notified in writing by the Department shall immediately take the necessary steps, at its own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the Department's inspector, the Department's inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the district office.

* * * * *

(9) *Traffic protection and maintenance.* Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Department, as set forth in [Publication 43 and Publication 90] Chapter 212 (relating to official traffic-control devices) and Publication 213 (Temporary Traffic Control Guidelines).

* * * * *

(ii) Traffic control devices shall be provided in accordance with [Publication 43 and Publication 90] Chapter 212 and Publication 213. Any open trench or hole shall be adequately barricaded to prevent possible injury to pedestrians and the motoring public. All traffic control devices shall be of an approved type. Signs shall conform to the requirements of [Publication 68] Publication 111M (Traffic Control Pavement Markings & Signing Standards) and Publication 236M (Handbook of Approved Signs).

(iii) Designated [employes] employees shall be assigned by the permittee to direct one lane traffic. Flagmen shall be provided as specified in the permit and in accordance with [Publication 43 and Publication 90] Chapter 212 and Publication 213.

* * * * *

(16) *Future additional driveways.* Future additional driveways shall consist of the following:

(i) If the Department anticipates that a property may be subdivided and that such subdivision will result in an unacceptable number or arrangement of driveways or both, the Department may require the property owner to enter into an access covenant [(Form CC-14)] in a form acceptable to the Department prior to issuance of a permit.

* * * * *

(17) *Use of highway prohibited.* Prohibited use of the highway shall be as follows:

* * * * *

(ii) Improvements on private property adjacent to the right-of-way shall be so located that parking, stopping, and maneuvering of vehicles on the right-of-way will not be necessary in order for vehicles or patrons to be served. New liquid fuel pump islands installed in service stations adjacent to the highway shall be located at least 12 feet outside the right-of-way, in order for a driveway permit to be issued. [See Figure 11 and Figure 12.]

§ 441.7. General driveway requirements.

* * * * *

(f) Approaches to driveways. Driveway approaches shall conform to the following standards:

* * * * *

(3) Where the highway is curbed, driveway approaches shall be installed 1 1/2 inches above the adjacent highway or gutter grade to maintain proper drainage. [See Figure 5.]

§ 441.8. Driveway design requirements.

(a) General. General requirements shall be as follows:

(1) The ability of a driveway to safely and efficiently function as an integral component of a highway system requires that its design and construction be based on the amount and type of traffic that it is expected to serve and the type and character of roadway which it accesses. This chapter separates driveways into four classifications, based on the amount of traffic they are expected to serve. A description of each classification and typical examples of land uses normally associated with each follows:

(i) Minimum use driveway[, see Figure 7]. A driveway normally used by not more than 25 vehicles per day, such as:

* * * * *

(ii) Low volume driveway[, see Figure 8]. A driveway normally used by more than 25 vehicles per day but [less] not more than 750 vehicles per day, such as:

* * * * *

(iii) Medium volume driveway[, see Figures 9, 11, and 12]. A driveway normally used by more than 750 vehicles but [less] not more than 1500 vehicles per day, which does not normally require traffic signalization, such as:

* * * * *

(iv) High volume driveway[, see Figure 10]. A driveway normally used by more than 1500 vehicles per day, which often requires traffic signalization, such as:

* * * * *

(2) The design features described in this section and illustrated in [the attendant figures] Publication 282 (Highway Occupancy Permit Manual) are to be used by the applicant in designing the driveway plans which accompany the application. Dimensions shall be selected from the range of values shown on the appropriate figure, unless site conditions warrant a deviation. The Department may require design details which are more stringent than those specified in this chapter to insure the safe and efficient operation of any proposed driveway.

[(3) Figures 7, 8, and 9 show two sets of design values. The applicant shall design his driveway using the values appropriate for the posted speed of the roadway being accessed.]

(b) Angle of access driveway approach. Angle of access driveway approach shall include the following:

(1) Access driveway approaches used for two-way operation shall be positioned at right angles, that is, 90 degrees, to the highway or as near thereto as site conditions permit, except as authorized in [Figure 11] Publication 282.

(2) When two access driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than 45 degrees to the highway, except that along divided highways where no openings are allowed in the median the minimum angle of an exit driveway may be 30 degrees, as shown in [Figure 12] Publication 282.

* * * * *

(e) Multiple driveways. Multiple driveways serving the same property must be separated by a minimum distance of 15 feet measured along the right-of-way line and 20 feet measured along the shoulder, ditch line, or curb. When the distance between multiple driveways is 50 feet or less measured along the shoulder or ditch line, the Department may require the area between [shall] to be clearly defined by permanent curbing. This curb shall be placed in line with existing curb or two feet back of the shoulder or ditch line on uncurbed highways. It shall be extended around the driveway radii to the right-of-way line.

* * * * *

(h) Sight distance. Conditions for sight distance shall be as follows:

[(1) Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the appropriate following table:

Table 1—Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto two-lane roads.

Posted Speed (mph)	Safe Sight Distance—Left ¹ (feet)	Safe Sight Distance—Right ¹ (feet)
25	250	195
35	440	350
45	635	570
55	845	875

¹ Measured from a vehicle ten feet back of the pavement edge.

Table 2—Safe Sight Distance for buses and combinations exiting from driveways onto two-lane roads.

Posted Speed (mph)	Safe Sight Distance—Left ¹ (feet)	Safe Sight Distance—Right ¹ (feet)
25	400	300
35	675	625
45	1225	1225
55	2050	2050

¹ Measured from a vehicle ten feet back of the pavement edge.

Table 3—Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto four and six-lane roads.

Posted Speed (mph)	Safe Sight Distance—Left ¹ (feet)	Safe Sight Distance—Right ² (feet)
25	175	195
35	300	350
45	500	570
55	785	875

¹ Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the outside lane.

² Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the median lane.

Table 4—Safe Sight Distance for buses and combinations exiting from driveways onto four and six-lane roads.

Posted Speed (mph)	Safe Sight Distance—Left ¹ (feet)	Safe Sight Distance—Right ² (feet)
25	300	300
35	625	625
45	1225	1225
55	2050	2050

¹ Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the outside lane.

² Measured from a vehicle ten feet back of the pavement edge to a vehicle approaching in the median lane.

Table 5—Safe Sight Distance for passenger cars and single unit trucks entering driveways by left turns.

Posted Speed (mph)	Safe Sight Distance in Feet ¹		
	2-Lane	4-Lane	6-Lane
25	190	205	220
35	300	320	345
45	445	470	500
55	610	645	680

¹ Measured from the point where a left-turning vehicle stops to a vehicle in the outside lane.

Table 6—Safe Sight Distance for buses and combinations entering driveways by left turns.

Posted Speed (mph)	Safe Sight Distance in Feet ¹		
	2-Lane	4-Lane	6-Lane
25	330	360	390
35	485	530	575
45	690	750	810
55	905	990	1075

¹ Measured from the point where a left-turning vehicle stops for a vehicle in the outside lane.

(2) In using Tables 1 through 6 the following additional requirements shall apply:

(i) Tables 2, 4, and 6 shall be used in lieu of Tables 1, 3, and 5 only when combination traffic exceeds 5.0% of the total traffic using the proposed driveway.

(ii) Posted speeds shall be used unless operating speeds vary from the posted speed by more than ten miles per hour, in which case the Department may require that operating speeds be used.

(iii) The sight distances in Tables 1 through 4 apply only when highway grades are zero to 3.0%, either up or down.

(A) When the highway grade in the section to be used for acceleration, after leaving the driveway, ascends at 3.0—5.0%, the sight distance in the direction of approaching ascending traffic may be increased by a factor of 1.4.

(B) When the highway grade ascends at greater than 5.0%, sight distance may be increased by a factor of 1.7.

(C) When the highway grade in the section to be used for acceleration after leaving the driveway descends at 3.0—5.0%, sight distance in the direction of approaching descending highway traffic may be reduced by a factor of 0.6.

(D) When the road descends at greater than 5.0%, sight distance may be reduced by a factor of 0.5.

(iv) The sight distance values in Tables 1 through 6 are desirable for safe operation of the driveway. Sight distance values less than desirable will be accepted only if it is impossible to achieve the desirable value by locating the driveway at any point within the property frontage boundaries. The minimum acceptable sight distance values shall be computed from the following formula:

$$SSSD = \frac{1.47 Vt + V^2}{30 (f+g)}$$

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of motorist (average = 2.5 seconds).

f = Wet friction of pavement (average = 0.30).

g = Percent grade of roadway divided by 100.]

(1) *Intersection sight distance.* An access driveway shall be located at a point within the property frontage limits which provides at least the minimum intersection sight distance as set forth in Publication 13M (Highway Design Manual).

(2) *Stopping sight distance.* Stopping sight distance, as set forth in Publication 13M, will be accepted only if it is impractical or infeasible to achieve intersection sight distance by locating the driveway at any point within the property frontage boundaries.

(3) *Insufficient sight distance.* If sight distance requirements as specified in this chapter cannot be met, the Department may:

* * * * *

(i) *Grade of access driveway.* Grade of access driveway shall be constructed in the following manner:

* * * * *

(2) Where a drainage ditch or swale exists, the permittee shall maintain an adequate swale across the driveway or install an adequate pipe under the drive-

way in accordance with [**Form 408**] **Publication 13M**. Drainage pipe installed under driveways shall be at least 15 inches in diameter.

(3) The side slopes for driveway embankments within the right-of-way shall not be steeper than ten to one. [**See Figure 6.**]

(4) Grade requirements in uncurbed shoulders within the right-of-way shall conform to [**Figure 1**] **standards identified in Publication 282**.

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 1, which appears in 67 Pa. Code page 441-25, serial page (216133).)

(5) Grade requirements where curbs and sidewalks are present **must conform to Department standards in Publication 13M, Publication 72M (Roadway Construction Standards) and Publication 282**.

[(i) **The driveway approaches shall be installed 1 1/2 inches above the adjacent roadway or the gutter grade to maintain proper drainage. See Figure 5.**

(ii) **The difference between the cross slope of the roadway and the upward grade of the driveway approach shall not exceed 8.0%.**

(iii) **When a planted area exists in front of the sidewalk, one of the following three cases shall apply:**

(A) **When the grass strip between the curb and the sidewalk is wide enough to maintain an 8.0% maximum driveway approach grade, construct the driveway as shown in Figure 2.]**

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 2, which appears in 67 Pa. Code page 441-26, serial page (216134).)

[(B) **If the driveway grade would exceed 8.0%, depress the outer edge of the sidewalk and maintain a maximum sidewalk cross slope of 6.0%. This will enable the driveway slope to stay within the 8.0% slope limit. See Figure 3.]**

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figure 3, which appears in 67 Pa. Code page 441-26, serial page (216134).)

[(C) **If the sidewalk cross slope would exceed 6.0%, as indicated in clause (B) of this subparagraph, depress the entire sidewalk. The amount of depression shall not exceed 1 1/2 inches at the inner edge of the sidewalk. The longitudinal slope of the sidewalk shall not exceed two inches per foot. See Figure 3.**

(iv) **When the sidewalk is directly against the back of the curb and the sidewalk is at least five feet wide, the curb shall be sloped as shown in Figure 5 of this subsection. This will eliminate the need for depressing the back edge of the sidewalk. For sidewalks narrower than five feet, the curb will be sloped and the back edge of the sidewalk will be depressed (maximum 1 1/2 inches) to maintain an 8.0% maximum grade on the driveway. The longitudinal grade of the sidewalk shall not exceed two inches per foot.]**

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figures 4—6, which appear in 67 Pa. Code pages 441-27 and 441-28, serial pages (216135) and (216136).)

(j) *Auxiliary lanes.* Auxiliary lanes shall consist of the following:

* * * * *

(4) *Cost.* When required, auxiliary lanes shall be constructed, at no cost to the Department, in accordance with the [**Roadway Construction Standards and Form 408**] **Department design standards**.

* * * * *

(k) *Access driveway pavement.* Access driveways shall be appropriately surfaced with a stabilized material between the traveled way and the right-of-way line unless a higher type material is specified by the permit. Low, medium, and high volume driveways which provide access to paved highways shall be paved within the right-of-way. Materials used in the construction of driveways shall meet the requirements of [**Form 408**] **Publication 408 (Specifications)**. The driveway pavement shall be at least four inches thick within the right-of-way.

* * * * *

(m) *Median openings.* Median openings shall consist of the following:

* * * * *

(3) Requests for removal of a median divisor will not be granted without the approval of the [**director**] **Deputy Secretary or a designee**.

* * * * *

(o) *Traffic control devices.* Requirements for traffic control devices shall be as follows:

* * * * *

(2) *Electrically powered devices.* Electrically powered devices shall consist of the following:

(i) When power operated devices, including traffic signals, are required for proper traffic control, a traffic signal [**permit (Form TE 964)**] **approval as defined in 75 Pa.C.S. §§ 6109 and 6122 (relating to specific powers of department and local authorities; and authority to erect traffic-control devices) and in accordance with Publication 46 (Traffic Engineering Manual)** shall be obtained in addition to the occupancy permit. The permit to own and operate a traffic control device shall be requested by and issued to only the appropriate municipality.

* * * * *

§ 441.9. [**Driveway layout illustrations**] (Reserved).

[**Figures 7 through 12 illustrate and supplement the minimum design requirements described in this chapter. Although site conditions may not allow strict adherence to the dimensions shown in these illustrations, every effort shall be made to design and construct the safest and most efficient access onto the State highway.**]

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete Figures 7—12, which appear in 67 Pa. Code pages 441-31—441-36, serial pages (216139)—(216144).)

§ 441.10. Penalties and enforcement.

* * * * *

(b) *Additional grounds for revocation.* Additional grounds for revocation shall be as follows:

* * * * *

(2) The [**director**] **Deputy Secretary or a designee** may revoke a permit for nonpayment of a fee specified in § 441.4 (relating to permit fees) including default of a check submitted for the payment.

* * * * *

[Pa.B. Doc. No. 12-1639. Filed for public inspection August 24, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

Executive Orders, Management Directives, and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 41 Pa.B. 4106 (July 30, 2011). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

KELLY POWELL LOGAN,
Secretary of Administration

(Editor's Note: This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

Effective January 2010, this manual is updated semi-annually for publication on the Office of Administration's website. The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2011 and June 30, 2012.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances. For questions regarding the Directives Management System, contact OA, EB-DMS.

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This manual replaces, in its entirety, Manual 210.3 dated July 12, 2011. This manual includes all new and amended issuances through June 30, 2012.

How to Use Index:

- o Executive orders are by year of issuance.
- o Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- o All documents preceded by the letter "M" are manuals.
- o Documents that have been rescinded are indicated as rescinded.
- o Amendments are presented as complete documents that incorporate all changes since the last issuance.
- o Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

Fiscal Note: 2012-210.3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

§ 1.4 Index of Issuances.

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
1973-9	Environmental Protection By State Agencies	7/13/1973	
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers	11/2/1978	
1975-5	Commitment Toward Equal Rights	9/19/1978	
1975-6	Preservation of Historic Resources	5/6/1975	
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112)	8/3/1977	
1977-5	Implementation of Act No. 1976-101	9/27/1977	
1978-4	Flood Plain Management	3/1/1978	
1978-9	Public Information Policies and Practices	5/23/1978	
1978-19	Access by Handicapped Individuals to Meeting Locations	12/19/1978	

STATEMENTS OF POLICY

5507

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
1979-10	Commonwealth Child Development Committee	7/25/1979	
1979-13	Governor's Office of Policy and Planning	9/18/1979	
1980-3	Life Cycle Costing	2/8/1980	
1980-4	Golden Keystone Discount Card Program	2/27/1980	
1980-5	Task Force on Employment Services to Displaced Homemakers	2/28/1980	
1980-7	Small Business Service Center	2/29/1980	
1980-18	Code of Conduct	5/16/1984	1-3 (4 Rescinded)
1980-20	Pennsylvania Coastal Zone Management Program	9/22/1980	
1981-3	Scheduling of Bond and Note Issue Sales	1/30/1981	
1981-4	Federal Program Coordination	2/9/1981	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis	5/22/1981	
1981-13	Governor's Committee on Employment of the Handicapped	10/19/1981	
1983-1	Transfer of Cresson Center to the Bureau of Correction	1/4/1983	
1984-3	Accounting and Financial Reporting	10/11/1984	
1986-1	Commonwealth Single Audit Coordinator	2/24/1986	
1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC)	4/22/1986	
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986	10/2/1986	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	12/1/1986	
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986	1/7/1987	
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections	1/16/1987	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections	1/16/1987	
1987-7	State Inspector General	4/6/1987	
1987-8	Pennsylvania Emergency Response Commission	4/20/1987	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986	4/22/1987	
1987-10	Highway Safety	11/25/1992	
1987-12	Cultural Advisor to the Governor	5/27/1987	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act	12/21/1987	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition	4/7/1988	1
1988-8	Pennsylvania State Data Center	7/12/1988	
1988-11	Motor Carrier Advisory Committee	11/18/1988	1-2-3
1989-3	Master Leasing Program	3/2/1989	
1989-8	Municipal Waste Reduction and Planning Program	10/17/1989	
1990-1	Municipal Waste Transportation Enforcement Program	3/14/1990	
1990-3	Contractor Responsibility Program	6/29/1990	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania"	8/17/1990	
1990-7	Interagency River Island Task Force	10/17/1990	1
1991-5	Environmental Training Partnership	4/22/1991	
1992-1	Records Management	1/8/1992	
1993-2	Civil Disorder and Emergency	4/9/1993	

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies	8/31/1993	
1993-4	State Center for Health Statistics and Research	10/13/1993	
1994-1	State Commission on National and Community Service	1/28/1994	
1994-2	Governor's Office of PennPORTS	3/29/1994	
1994-4	Governor's Committee on Education Standards and Assessment	5/18/1994	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans	11/4/1994	
1995-1	Judicial Appointments	2/27/1995	
1995-2	Drug Policy Planning Coordination	12/19/1997	
1995-4	Monitoring Supplies of Petroleum Products	7/10/1995	
1995-5	Money-Back Guarantee Permit Review Program for the Department of Environmental Protection	8/23/1995	
1995-6	Governor's Community Partnership for Safe Children	9/14/1995	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction	10/11/1995	
1995-8	Governor's Advisory Commission on Public School Finance	10/11/1995	
1995-10	Governor's Sports and Exposition Facilities Task Force	10/27/1995	
1996-1	Regulatory Review and Promulgation	2/6/1996	
1996-2	Implementation of the IMPACCT Commission Recommendations	4/19/1996	
1996-5	Municipal Waste Facilities Review Program	8/29/1996	
1996-6	Governor's Advisory Commission on Academic Standards	9/30/1996	
1996-7	Pennsylvania Center for Environmental Education	12/20/1996	
1996-10	State Employee Assistance Program	12/20/1996	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace	12/20/1996	
1997-1	Governor's Travel and Tourism Council	3/17/1997	
1997-2	Developmental Disabilities Council	5/30/1997	
1997-5	Governor's Advisory Council on Physical Fitness and Sports	9/24/1997	
1998-1	Governor's Green Government Council	3/25/1998	
1998-3	The Pennsylvania Greenways Partnership Commission	8/16/2001	
1999-1	Land Use Planning	1/7/1999	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure	6/8/1999	
1999-5	Rescission of Executive Order 1980-13	12/9/1999	
2000-2	Pennsylvania Workforce Investment Board	2/14/2000	
2001-1	Directives Management System	2/13/2001	
2001-2	State Employee Combined Appeal	2/14/2001	
2001-4	Economic and Community Development Partnership	Rescinded by EO2011-03—5/3/2011	
2002-2	Governor's Task Force on Early Childhood Care and Education	7/15/2002	
2002-4	Prohibition of Sexual Harassment in the Commonwealth	5/3/2002	
2002-5	Disability-Related Policy	5/3/2002	
2002-6	PA Open for Business	6/6/2002	
2002-7	Integrating Mediation Into State Government	6/14/2002	
2002-8	Governor's Interagency Task Force on Energy	7/18/2002	
2002-13	Proposed Keystone Opportunity Improvement Sub-zones	12/31/2002	
2003-1	Commonwealth's Health Care Reform Agenda	1/21/2003	
2003-2	Agricultural Land Preservation Policy	3/20/2003	
2003-3	Management and Productivity Improvement Initiative	Rescinded by EO2012-04—3/22/2012	

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
2003-4	Workplace Policy for HIV/AIDS	5/5/2003	
2003-5	Upper Delaware Federal Scenic River	6/22/2003	
2003-6	Pennsylvania Commission for Women	Rescinded by EO2012-06—4/30/2012	
2003-7	Governor's Advisory Commission on African American Affairs	Rescinded by EO2012-08—4/30/2012	
2003-8	Governor's Advisory Commission on Asian American Affairs	Rescinded by EO2012-07—4/30/2012	
2003-9	Governor's Advisory Commission on Latino Affairs	9/15/2005	
2003-10	Equal Employment Opportunity	7/28/2003	
2003-12	Governor's Cabinet on Children and Families	9/18/2003	
2003-13	Governor's Advisor for Hunting, Fishing and Conservation; Governor's Advisory Council for Hunting, Fishing and Conservation; Governor's Youth Council for Hunting, Fishing and Conservation	Rescinded by EO2012-02—2/15/2012	
2004-1	Governor's Invasive Species Council	9/18/2006	
2004-2	Utilization of Commonwealth-Owned and Leased Space	2/18/2004	
2004-3	Pennsylvania Business Tax Reform Commission	3/4/2004	1
2004-4	Anti-Sweatshop Procurement Policy	3/18/2004	
2004-5	Pennsylvania Energy Development Authority	4/8/2004	
2004-6	Minority and Women-Owned Business Opportunities	1/17/2011	
2004-7	Financial Education and Literacy	4/29/2004	
2004-8	Enterprise Information Technology Governance Board	Rescinded by EO2011-05—7/27/2011	
2004-9	Economic Development Committee of the Cabinet	Rescinded by EO2011-08—10/6/2011	
2004-11	Pennsylvania Election Reform Task Force	12/13/2004	
2004-12	Energy Management and Conservation in Commonwealth Facilities	12/15/2004	
2005-4	Proposed Economic Development District	7/14/2005	
2005-8	Governor's Renewable Agricultural Energy Council	9/20/2005	
2006-1	Commonwealth Continuity of Government Steering Committee	Rescinded by EO2012-05—4/30/2012	
2006-2	Contract Compliance	1/31/2006	
2006-3	Commonwealth Business License Information Exchange Program	Rescinded by EO2011-06—9/15/2011	
2006-6	The Pennsylvania Abraham Lincoln Bicentennial Commission	Terminated 12/31/2009	
2006-7	Governor's Pandemic Advisory Council	7/27/2006	
2006-8	Contractor Social Responsibility and Offshore Services	9/14/2006	
2006-9	Governor's Cabinet for People with Disabilities—Governor's Advisory Committee for People with Disabilities	11/21/2006	
2006-10	Strategic Development Areas	12/22/2006	
2006-11	Governor's Dog Law Advice Group	12/22/2006	
2007-01	Strategic Development Area, Butler County	4/24/2007	
2007-02	Strategic Development Area, Westmoreland County	4/30/2007	
2007-03	Commonwealth Automotive Fleet Efficiency Initiative	5/9/2007	
2007-04	Office of Health Equity	5/21/2007	
2007-05	Chronic Care Management, Reimbursement and Cost Reduction Commission	5/21/2007	
2007-06	Registered Family Child Care Providers	6/14/2007	
2007-07	Subsidized Child Care Providers Exempt From Certification Or Regulation	6/14/2007	
2007-08	Strategic Development Area, Lehigh County	9/6/2007	

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
2007-09	Governor's Advisory Council On Rural Affairs	10/2/2007	
2007-10	Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure	Rescinded by EO2012-03—2/22/2012	
2008-02	Sustainable Water Infrastructure Task Force	4/28/2008	
2008-03	Pennsylvania Health Information Exchange (PHIX) Governance Structure	Rescinded by EO2011-04—7/27/2011	
2008-04	Pennsylvania All-Hazard Incident Management (PA-IMT3)	5/13/2008	
2008-05	Transition Period for the Pennsylvania Health Care Cost Containment Council	Terminated 6/30/2009	
2008-06	Office of Diversity Management	4/15/2010	
2008-07	Early Learning Council	9/11/2008	
2008-08	Early Learning Investment Commission	7/27/2010	
2008-09	Governor's Food Safety Council	Rescinded/Obsolete 1/26/2012	
2009-01	Pennsylvania Stimulus Oversight Commission	Terminated 9/30/2011	
2009-02	Creating Opportunities for Small and Disadvantaged Businesses in the Expenditure of Federal Stimulus Monies	Terminated 9/30/2011	
2010-01	Governor's Census 2010 Advisory Panel	Terminated 3/1/2011	
2010-02	Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee	7/20/2010	
2010-03	Pennsylvania-Produced Agricultural Products Program	9/14/2010	
2010-04	Consumer-Directed Home Care Providers	Rescinded 12/1/2010	
2010-05	Leasing of State Forest and State Park Land for Oil and Gas Development	10/26/2010	
2011-01	Creation of Governor's Marcellus Shale Advisory Commission	Terminated 7/22/2011	
2011-02	Governor's Transportation Funding Advisory Commission	Terminated 8/1/2011	
2011-03	Public Private Partnership	5/3/2011	
2011-04	Pennsylvania eHealth Collaborative	7/27/2011	
2011-05	Enterprise Information Technology Governance	7/27/2011	
2011-06	Commonwealth Licensee Tax Responsibility Program	9/15/2011	
2011-07	Pennsylvania Dairy Leadership Council	9/28/2011	
2011-08	Interagency Coordination Advisory Group for Economic Development	10/6/2011	
2011-09	Small Business Procurement Initiative	11/21/2011	
2011-10	Veteran-Owned Small Business Procurement Initiative	12/7/2011	
2011-11	Office of City Receiver—Harrisburg	12/12/2011	
2012-01	Advisory Commission on Postsecondary Education	2/6/2012	
2012-02	Governor's Advisory Council for Hunting, Fishing and Conversation	2/15/2012	
2012-03	Pennsylvania Homeland Security	2/22/2012	
2012-04	Governor's Innovation Office	3/22/2012	
2012-05	Commonwealth Continuity of Government	4/30/2012	
2012-06	Pennsylvania Commission for Women	4/30/2012	
2012-07	Governor's Advisory Commission on Asian American Affairs	4/30/2012	
2012-08	Governor's Advisory Commission on African American Affairs	4/30/2012	
2012-09	Sunset Task Force	5/11/2012	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
BUDGET			
General			
105.1	Allocation and Allotment of Funds for ICS Transactions	10/22/1984	
105.2	Contingent Commitments	7/2/1985	
105.4	Allocation and Allotment of Funds for Non-ICS Transactions	10/22/1984	
105.5	Use of the Determination of Tax-Exempt Category for Capital Projects Form	9/12/1991	
Budget Preparation			
110.2	Request for Approval of Federal Funds	1/14/1985	
110.3	Budgeting and Accounting for Federal Appropriations	5/29/1985	
Manuals.			
M110.1	2012-13 Budget Instructions	8/15/2011	
MANAGEMENT/ADMINISTRATIVE SUPPORT			
General			
205.2	Powers and Duties of Policing Forces	Rescinded/Obsolete	8/20/2010
205.4	Delegation of Authority to Sign and Delegation to Authorize SAP Payments	5/11/2009	
205.6	Defense of Suits Against Commonwealth Employees	9/30/1986	
205.9	Code of Conduct Statement of Financial Interest—Filing	1/4/2011	
205.10	Financial Disclosures Required by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113	1/4/2011	
205.10AB	Abridged Version of MD205.10	Rescinded by MD205.10—	1/4/2011
205.12	Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113	1/4/2011	
205.14	Prohibition of Activities Not Specifically or Directly Connected With the Official Business of the Commonwealth on Commonwealth Property	11/21/2011	
205.15	Memberships in Associations, Organizations, or Societies	2/9/2006	
205.16	Compliance With the Whistleblower Law, Act 1986-169	11/22/1995	
205.18	Ballot Question Advocacy by Executive Branch Employees, Appointees, and Officials	4/11/1988	
205.19	Smoking in Commonwealth Buildings and Facilities	Rescinded/Obsolete	10/13/2010
205.20	Documents and Evidence Relating to Asbestos in Commonwealth Buildings	6/7/1989	
205.21	Commonwealth Child Care Program	9/12/2001	1
205.22	Recycling, Waste Reduction and Procurement of Environmentally Preferable Products	8/29/2007	
205.23	Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries	12/6/2005	
205.24	Display of Flags on Commonwealth Buildings and Grounds	10/12/2011	
205.25	Disability-Related Employment Policy	2/13/2009	
205.26	The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services	7/22/1992	
205.27	Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act	6/20/2011	
205.30	Personal Use of Promotions and Offers	Rescinded by MD230.10—	11/1/2011
205.31	Pro Bono Publico Legal Services	2/11/1999	
205.32	Hiring Sign Language Interpreters/Transliterators	1/29/2010	
205.33	Workplace Violence	6/22/1999	

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Management Directives and Manuals</i>			
205.34	Commonwealth of Pennsylvania Information Technology Acceptable Use Policy	11/17/2011	
205.35	Information Reporting From the Commonwealth's Enterprise SAP Business Information Warehouse System	5/2/2011	
205.36	Right-to-Know Law Compliance	3/18/2010	
205.37	Role Assignment, Security, and Internal Control Maintenance	6/13/2005	
205.38	Emergency Evacuation and Safe Assembly	2/23/2011	
205.39	Use of Complete Physical Street Addresses For Department of General Services Owned or Administered Buildings	4/13/2010	
205.40	Commonwealth Branding	5/15/2012	
205.41	Commonwealth of Pennsylvania Continuity of Operations (COOP) Program	2/16/2011	
205.42	Social Media	2/6/2012	
Management Programs			
210.1	Directives Management System	5/2/2011	
210.4	Central Microfilm Management	11/18/2002	
210.5	The Commonwealth of Pennsylvania State Records Management Program	7/29/2010	
210.6	Selection, Acquisition and Use of Filing Equipment	9/16/2002	
210.8	Micrographics Procedures to be Used in Conjunction With Central Microfilm Management	11/18/2002	
210.11	Acceptance of Imaged Documents	6/16/1997	
210.12	Electronic Commerce Initiatives and Security	12/23/2010	
210.13	Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems	Rescinded by MD210.5—12/30/2008	
210.14	Retention and Disposition of Records Upon Departure of Senior Management Employees	Rescinded by MD210.5—12/30/2008	
210.15	Instant Messaging	Rescinded by MD205.34—11/17/2011	
Manuals.			
M210.1	The Commonwealth of Pennsylvania Employee Records Management Manual	5/20/2010	
M210.3	Index of Issuances	7/30/2012	
M210.4	Forms Management	8/16/1983	1-2
M210.5	Standard (STD) Forms Management	9/15/1998	
M210.6	Publications Management	8/1/1984	1
M210.7	State Records Management Manual	6/8/2004	
M210.8	Vital Records Disaster Planning	5/9/1995	
M210.9	The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule	12/21/2010	
Contracts Management			
215.8	Contractor Integrity Provisions for Commonwealth Contracts	6/17/2010	
215.9	Contractor Responsibility Program	10/25/2010	
215.12	Provisions Concerning The Americans With Disabilities Act	10/14/2011	
215.13	Contract Provision for Donation of Excess Prepared Food	10/12/2011	
215.16	Contract Compliance Program	9/1/2010	
Manuals.			
M215.3	Field Procurement Handbook	(Current publication available at: http://www.portal.state.pa.us/portal/server.pt/community/procurement_handbook/1277)	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
Central Services			
220.1	Commonwealth Media Services	1/14/2008	
220.3	Mail Delivery Between Harrisburg and the Philadelphia and Pittsburgh State Office Buildings	Rescinded/Obsolete	2/4/2010
220.9	Graphic Design, Typesetting, Reproduction, and Printing Services	6/4/1987	
220.11	Preservation of Commonwealth Deeds	5/3/2006	
Travel and Expenses			
230.6	Travel Expenses of Job Applicants	11/1/2011	
230.7	Remittance of Witness Fees	8/6/2010	
230.9	Acquisition and Payment of Travel Services	Rescinded by MD230.10—7/1/2009	
230.10	Commonwealth Travel Policy	11/1/2011—Effective	1/1/2012
230.13	Commonwealth Corporate Card Program	Rescinded by MD230.10—7/1/2009	
230.14	Foreign Areas Subsistence Allowances	Rescinded by MD230.10—7/1/2009	
230.15	Continental United States High Cost Subsistence Allowances	Rescinded by MD230.10—7/1/2009	
230.17	Commonwealth Office of Travel Operations	Rescinded by MD230.10—11/1/2011	
Manual.			
M230.1	Commonwealth Travel Procedures Manual	11/1/2011—Effective	1/1/2012
Information Technology Management			
240.7	Submission of Changes to the Commonwealth Telephone Directory	8/18/2008	
240.11	Commonwealth Wireless Communication Device Policy	4/11/2012	
240.12	Commonwealth of Pennsylvania Mobile Devices Security Policy	12/29/2008	
245.12	Implementation of the Data Center Project Plan	Rescinded/Obsolete 4/30/2012	
245.13	Strategic Direction for Information Technology Investments	2/8/2006	
245.14	Wireless Antenna Tower Management	Rescinded by MD245.15—6/24/2010	
Information Technology Management			
245.15	Pennsylvania Statewide Radio Network	6/24/2010	
245.16	Pennsylvania Justice Network (JNET) Governance Structure	3/7/2006	
245.17	Commonwealth of Pennsylvania Public Safety Communications Council	Rescinded by MD245.15—6/24/2010	
245.18	IT Administrator Acceptable Use, Auditing and Monitoring, Incident Notification, and Response Policies and Procedures	2/7/2006	
245.19	Enterprise Technology Security Council	5/3/2006	
Public Information Programs			
250.1	The Sunshine Act, Advertising Public Meetings	6/24/2010	
Organization and Space Management			
260.1	Organization Requests	10/17/2005	
260.2	Reorganization Plans for Transfers of Functions Between Agencies	11/16/1987	
Manual.			
M260.1	Manual For Space Utilization	3/11/2004	

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Management Directives and Manuals</i>			
FINANCIAL MANAGEMENT			
General			
305.2	Standard Check Endorsement Procedure	5/22/2009	
305.3	Responsibilities of Comptroller Operations	12/15/2010	
305.4	Payments to Counties	11/9/2010	
305.5	Cash Management	5/22/2009	
305.6	Withholding Payments to Municipalities (Act No. 166 of 1978)	5/1/1997	
305.7	Interest Penalties for Late Payments	5/11/2009	
305.8	Commonwealth Bank Accounts and Special Banking Services	6/11/1997	
305.9	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Unaccompanied by Remittances	Rescinded by MD305.11—5/22/2009	
305.10	Receipt of Federal Funds by Wire Transfer	1/23/1989	
305.11	Depositing Checks, Money Orders and Cash	4/23/2012	
305.12	Accounting, Reporting, and Cash Management of Federal Grants and Contracts	1/25/1999	
305.13	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Accompanied by Remittances	Rescinded by MD305.11—5/22/2009	
305.15	Processing and Distributing Returned Checks	8/30/1989	
305.16	Lobbying Certification and Disclosure	7/3/2003	
305.17	Preparation and Use of Form STD-417, Adjustment Memorandum From Department of Revenue to Treasury Department	Rescinded by MD305.11—5/22/2009	
305.19	Identification of Boards, Commissions, and Councils	8/15/1997	
305.20	Grant Administration	5/26/2000	
305.21	Payments to Local Governments and Other Subrecipients	9/23/2005	
305.22	Commonwealth Licensee Tax Responsibility Program	11/14/2011	
Accounting			
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures	1/5/1983	
310.3	Encumbering and Lapsing of Appropriations	5/4/1998	1
310.8	Postage Due Procedures	Rescinded/Obsolete 5/17/2011	
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts	1/10/2011	
310.10	Collection, Referral, and Compromise, or Write-Off of Delinquent Claims	11/18/2011	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations	1/19/1982	1
310.12	Refunding Erroneously Collected Fees and Charges	4/30/1982	
310.13	Generally Accepted Accounting Principles (GAAP)	6/13/1995	
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP	2/3/2003	
310.15	Agency Federal ID Numbers	6/7/1996	
310.16	Advancement Account Balances	Rescinded/Obsolete 1/3/2012	
310.19	Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant	10/27/2010	
310.20	Charging Equipment Expenditures to Federal Programs	8/31/1994	
310.21	Master Lease Tracking System	Rescinded/Obsolete 10/6/2010	
310.23	Commonwealth Purchasing Card Program	5/11/2009	
310.24	Accepting Debit/Credit Cards for Commonwealth Revenues	9/3/2008	

STATEMENTS OF POLICY

5515

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Management Directives and Manuals</i>			
310.25	Transfers of Revenue or Expenses in SAP	1/10/2011	
310.26	Vendor Data Management Unit (VDMU) for Agencies Using SAP	9/18/2009	
310.27	Month-End Closing Processes	12/14/2005	
310.28	Use of One-Time Vendor Records in SAP	6/16/2006	
310.29	Using Value (Service) Date in SAP	6/10/2009	
310.30	Pennsylvania Electronic Payment Program (PEPP)	5/22/2009	
310.31	Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes	5/11/2009	
310.32	Voyager Fleet Card Invoice Processing for Agencies Using SAP	7/20/2009	
310.33	Processing Electronic Invoices in SAP	8/21/2009	
310.34	Use of Agency-Level Dun & Bradstreet Data Universal Numbering System (DUNS) Numbers in Applications for Federal Grants and Cooperative Agreements	9/18/2009	
310.36	Identifying, Recording, and Reporting Computer Software as a Capital Asset	12/10/2009	
Manuals.			
M310.1	Agency Operated Advancement Accounts	8/11/1999	
M310.2	Definitions of Major and Minor Objects of Expenditures	8/26/1998	1
M310.3	Manual of Accounting	7/17/1996	
Payroll			
315.1	Calculation and Payment of Statutory Salaries	1/3/2011	
315.6	Employees' Requests for State or Federal Income Tax Withholding	5/24/2011	
315.7	Employee Payroll Deductions for Credit Unions	Rescinded/Obsolete 5/17/2011	
315.8	Restitution of Overpayments	10/1/1997	
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks	8/30/2011	
315.11	Distribution and Retention of Payroll Deduction Authorization Documents	4/24/1980	
315.13	Payments of Wages, Salary, Benefits, and Travel Expenses to Survivors of Deceased Employees	8/19/1996	
315.14	Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities	1/6/2011	
315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay	8/30/2011	
315.16	Payment of Annuitant Medical and Hospital Benefits	9/10/1997	
315.17	Direct Deposit of Pay Program	10/20/2000	1
315.18	Delivery of Payroll Checks to Employees	Rescinded/Obsolete 6/22/2011	
315.19	Check Distribution Codes	Rescinded/Obsolete 10/29/2010	
315.20	Taxability of the Use of State-Provided Vehicles	11/22/2010	
315.21	Deductions for U.S. Savings Bonds	Rescinded/Obsolete 12/16/2010	
315.22	Preparation and Filing of Federal Forms 1099 and 1096	1/3/1995	
315.23	Processing Employee's Withholding Allowance Certificate (W-4)	Rescinded/Obsolete 6/22/2011	
315.25	Pennsylvania Personal Income Tax	11/22/2011	
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers	1/24/1994	1
315.27	Recoupment of Conversion Pay Amounts	5/4/1992	
315.28	Taxability of State-Provided Parking	2/1/2011	
315.29	Mailing SAP-Generated Checks	Rescinded/Obsolete 5/10/2011	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
Audits			
325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments	9/12/2008	
325.3	Performance of Audit Responsibilities	1/10/2011	
325.4	Agency Annual Audit Plan	Rescinded/Obsolete	5/10/2010
325.5	State Level Single Audit Costs	8/17/2009	
325.6	Auditing Computer-Based Systems	1/10/2011	
325.7	Implementation of the Commonwealth's State-Level Single Audit Process	8/20/2009	
325.8	Remedies for Recipient Noncompliance with Audit Requirements	8/17/2009	
325.9	Processing Audits of Federal Pass-Through Funds	8/20/2009	
325.10	Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports	8/27/2009	
325.11	Evaluating Agency Internal Controls and Financial Risk through Self Assessment	5/17/2012	
EQUAL EMPLOYMENT OPPORTUNITY (EEO)			
Equal Employment Opportunity Programs			
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints	2/21/2008	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program	5/8/1997	
Manual.			
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs	12/18/2007	
EMPLOYEE DEVELOPMENT AND UTILIZATION			
General			
505.1	Employee Furlough Policy	2/16/2006	
505.2	Salaried Complement Management System	12/1/2006	
505.4	Salaried Complement Control	2/18/1982	1
505.7	Personnel Rules	11/9/2010	
505.8	Transmittal of Personnel Action Notifications	4/2/1998	
505.9	Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System	3/11/2004	
505.11	Emergency Assignments of Employees During Emergencies	6/17/1998	
505.12	Annual List of Employees	Rescinded by MD505.18—	7/26/2010
505.15	Employee Mobility Information Program	4/12/2012	
505.18	Maintenance, Access, and Release of Employee Information	5/29/2012	
505.20	Wage Complement Management and Control	12/27/2011	
505.21	Office Hours	1/19/2000	
505.22	State Employee Assistance Program	4/2/2003	
505.23	Employee Recognition Program	1/23/2007	
505.25	Substance Abuse in the Workplace	11/29/2004	
505.26	HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace	3/18/2005	
505.27	The Worker and Community Right to Know Act (P. L. 734, No. 159)	8/3/1993	
505.28	Family Care Account Program	10/11/2005	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings	6/19/2002	1
505.31	Domestic Violence and the Workplace	5/31/2004	
505.32	Governor's Awards for Excellence	11/17/2010	
505.33	Working From Home During Emergencies Including a Pandemic Influenza Event	8/20/2007	

STATEMENTS OF POLICY

5517

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
Manuals.			
M505.2	Personnel Management Review	7/9/1997	
M505.3	State Employee Assistance Program	11/29/2004	
M505.4	Personnel Records Retention and Disposition Schedule	12/7/1998	
M505.5	Commercial Driver License Drug and Alcohol Testing and Licensing Requirements Administrative Manual	5/30/2002	
M505.6	An Agency Guide to Workplace Violence Prevention and Response	5/28/2002	
Employment			
515.2	Transfer of Employees From One Agency to Another	6/16/2000	
515.3	Classified Service Emergency Appointments	9/3/2008	
515.4	Seniority Rights of Commonwealth Employees	7/12/2006	
515.10	Selection and Appointment to Non-Civil Service Positions	2/16/2006	
515.12	Confidential Employees	9/28/2004	
515.15	Identification, Employment, and Education Verification Checks	6/13/1997	
515.16	Appointment to Senior Level Positions	2/14/2006	
515.18	Supplementary Employment	7/7/1998	
515.20	Reemployment of Commonwealth Annuitants	2/21/2002	
515.21	Commonwealth School-to-Work Program	2/14/2006	
Classification			
520.3	Unclassified Codes and Titles	6/16/2003	
520.4	Position Classification Post-Audits	11/21/2011	
520.5	Centralized Job Control System	12/1/2006	
520.6	Processing of Reclassification Actions	1/23/2007	
520.7	Development and Validation of Job Standards	6/12/2012	
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan	1/23/2007	
520.9	Appointments Above the Minimum	3/5/1998	
Pay			
525.4	Temporary Assignment in Higher Classification	4/20/2004	
525.6	Advances on Salaries or Wages Earned	8/29/1996	
525.11	Dual Employment	2/10/1997	
525.12	Reinstatement of Discharged Employees	9/21/1979	
525.13	Maintenance of Weighted Salaries	Rescinded/Obsolete 5/22/2012	
525.15	Overtime	2/10/1997	
525.16	Physicians and Related Occupations Quality Assurance Program	2/14/2006	
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments	6/28/1991	
525.20	Implementation & Maintenance of Local Service Tax	10/10/2008	
Benefits			
530.1	Agency Employee Services Coordinators	5/16/2006	
530.2	Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay	3/12/2008	
530.3	State Employee Combined Appeal for New Employees and Employees on Inter-Agency Transfers	Rescinded/Obsolete 11/8/2010	
530.4	State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay	3/11/2008	
530.8	Motor Vehicle Financial Responsibility Law	7/22/1997	

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Management Directives and Manuals</i>			
530.9	Social Security Records	10/9/1997	
530.10	Administrative Leave to Compete in International and World Championships	7/20/2010	
530.11	Benefit Rights of Permanent and Temporary Employees	7/25/2006	
530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates	7/8/1997	
530.17	Partial and Full Day Closings of State Offices	5/25/2010	
530.18	Benefit Rights of Furloughed Employees	8/27/2009	
530.20	State Paid Benefits While on Cyclical Leave Without Pay	7/8/1997	
530.21	Paid Absence for Blood Donation	4/8/2010	
530.22	Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions"	11/20/1996	
530.23	State Employee Combined Appeal	2/17/2012	
530.24	Retired Employees Health Program Eligibility Requirements	12/30/2010	
530.26	Military Leaves of Absence	9/3/2008	
530.27	Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit	2/7/1997	
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF)	9/14/2004	
530.29	Commuter Benefits Program	5/20/2009	
530.30	Sick, Parental and Family Care Absence Policy	12/14/2007	
530.31	Workplace Safety and Health Program	9/29/2008	
Manuals.			
M530.2	Injury Leave Manual	11/29/2001	1
M530.3	Group Life Insurance Program Administrative Manual	6/26/2001	
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits	Rescinded/Obsolete	2/21/2012
M530.7	Absence Program	4/23/2009	
M530.9	Unemployment Compensation Insurance	12/7/1998	
M530.14	Unemployment Compensation and the Supervisor	Rescinded/Obsolete	12/27/2011
M530.15	Pennsylvania State Police Administrative Manual Health Benefits Program	7/20/2010	
M530.16	Temporary Clerical Pool Agency User Manual	10/1/1999	
M530.17	Temporary Clerical Pool Employee Handbook	10/1/1999	
M530.18	The Benefits of a "Healthy" Sick Leave Balance	Rescinded/Obsolete	3/5/2012
M530.21	State Employee Combined Appeal Procedures Manual	2/17/2012	
Training			
535.1	Employee Training and Development	2/9/2000	
535.2	Physicians and Related Occupations Specialty Board Certification Payments	2/21/2006	
535.3	Out-Service Training	11/16/1999	
535.4	Use of State Work Program and Public Services Trainee Classes	2/16/1984	
535.5	Use of Trainee Classes in the Classified Service	10/8/2004	
535.6	Commonwealth Management Development Program	2/9/2000	
535.7	Annual Agency Training Plan and Report	7/8/1999	
535.9	Physical and Information Security Awareness Training	10/3/2006	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
Performance Evaluations			
540.7	Performance Management Program	5/2/2011	
Retirement			
570.1	State Employees' Retirement System, Duties of Departments and Agencies	5/8/2006	
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service	4/9/2006	
570.6	Optional Membership in State Employees' Retirement System	2/22/2006	
570.8	Reinstatement of Dismissed or Furloughed Employees Into the State Employees' Retirement System	4/3/2006	
570.9	Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed	2/17/2006	
570.11	Changes to Retirement and Personnel/Payroll System and Collection of Arrears Balances	3/23/2006	
570.12	Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions	2/17/2006	
570.13	State Employees' Retirement System, Regional Field Offices	5/30/2007	
570.14	Deferred Compensation Program	3/25/2005	
570.15	Public Employee Pension Forfeiture Act No. 1978-140	6/6/2006	
Civil Service			
580.2	Civil Service Availability Survey/Interview Notice	1/21/2009	
580.6	Tabulation of Classified Service Employees	6/16/2006	
580.8	Classified Service Probationary Periods	10/5/2004	
580.10	Rights of Certified Eligibles in the Classified Service	5/16/1986	
580.11	Documentation of Classified Service Personnel Actions	6/27/2006	
580.12	Recruitment for Classified Service Positions	3/28/2007	
580.13*	Report of Personnel Transactions for Non-State Employees	9/16/2011	
580.15	Selective Certification of Classified Service Eligibles	4/11/2012	
580.16	Provisional Employment in the Classified Service	11/16/2006	
580.18	Pennsylvania Residency Requirements for the Classified Service	8/31/2011	
580.19	Promotion in the Classified Service Without Examination	8/31/2009	
580.21	Veterans' Preference on Classified Service Employment Certifications	2/16/2011	
580.23	Resignation From and Reinstatement to the Classified Service	3/12/1990	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service	9/14/2006	
580.25	Political Activities of Classified Service Employees	10/7/2011	
580.26	Transfer or Reassignment of Classified Service Employees	6/29/2010	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act	10/28/2009	
580.28	Reallocation to a Lower Class in the Classified Service	3/30/2011	
580.30	Civil Service Leave of Absence and Return Rights	9/7/2010	
580.31	Classified Service Temporary Appointments	8/14/2006	
580.32	Substitute Employment in the Classified Service	10/24/2006	
580.33	Reproductions of Documents for Classified Service Personnel Actions	4/30/2009	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service	3/19/2010	
580.35	Employees Placed in the Classified Service by Position Reallocation	8/29/2011	
580.37	Promotion by Appointment of Unclassified Service Employees Into the Classified Service	5/5/2008	
580.38	Use of Intern Job Titles in the Classified Service	10/8/2004	

*Special Distribution

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
Manuals.			
M580.1	Certification of Eligibles for the Classified Service	4/7/1997	
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements	6/22/2007	
Labor Relations			
590.1	Labor Relations	11/27/2007	
590.2	Confidential Positions and Employees	3/8/2006	
590.3	Deduction of Union Dues/Fair Share Fees	5/22/2006	
590.5	Guidelines to be Followed During Legal or Illegal Strikes	5/25/2006	
590.7	Labor Relations—Grievance Administration	6/8/2006	
590.8	Classification Grievance Processing	3/30/2006	
SUPPLIES, SERVICES, AND EQUIPMENT			
Supplies and Equipment Acquisition/Disposition			
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts	Rescinded/Obsolete	1/3/2012
Automotive Services			
615.1	Assignment of Commonwealth Temporary Fleet Vehicles	11/10/2011	
615.2	Motor Vehicle Liability Insurance and Accident Reporting	Rescinded by MD615.16—11/10/2011	
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet	Rescinded by MD615.16—11/10/2011	
615.6	License Plates for Commonwealth-Owned Vehicles	Rescinded by MD615.16—11/10/2011	
615.7	Repairs, Maintenance, and Payment for Services	Rescinded by MD615.16—11/10/2011	
615.8	Use of State Automobiles	Rescinded by MD615.16—11/10/2011	
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles	Rescinded by MD615.16—11/10/2011	
615.12	Motor Vehicle Authorization List	Rescinded by MD615.16—11/10/2011	
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles	Rescinded by MD615.16—11/10/2011	
615.15	Vehicle Parking License Agreements	10/26/2006	
615.16	Commonwealth Fleet Policy	11/10/2011	
Manuals.			
M615.3	Commonwealth Fleet Procedures Manual	11/10/2011	
Commodity Standards			
620.1	Coal Sampling and Reporting	10/4/2005	
Buildings, Property, and Real Estate			
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services	10/4/2004	
625.2	Inventory of Commonwealth Real Property	9/16/2008	
625.3	Moving Employee Household Goods and Commonwealth Property	3/14/1996	
625.4	Enforcement of Fire and Panic Regulations	3/27/1991	
625.5	Reporting Surplus Real Property	5/6/1996	
625.6	Leasehold Improvements	5/1/2009	
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval	11/6/1997	
625.8	Contracting for Bargaining Unit Work	2/25/1994	

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Management Directives and Manuals</i>			
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services	3/9/2001	
625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings	6/29/2012	
Bonds and Insurance			
630.1	Agency Insurance Coordinators	10/2/1987	
630.2	Reporting of Employee Liability Claims	4/28/1998	
COMMONWEALTH PROGRAMS			
Protection and Safety			
720.2	Wage Standards Picketing	2/3/1977	
720.3	Emergency Evacuation Plans at Commonwealth Facilities	Rescinded by MD205.38—7/31/2009	
720.4	Safety and Loss Prevention Program	10/2/1987	
720.5	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings	7/25/2008	
720.6	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls	9/28/2005	
720.7	Bomb Threats and Suspicious Packages	7/29/2010	

[Pa.B. Doc. No. 12-1640. Filed for public inspection August 24, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 7, 2012.

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

BANKING INSTITUTIONS

Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-3-2012	Gateway Interim Bank McMurray Washington County	Effective
	The purpose of Gateway Interim Bank, McMurray, is to facilitate the proposed merger of Gateway Bank of Pennsylvania, McMurray, with and into S&T Bancorp, Indiana.	

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-7-2012	East River Bank Philadelphia Philadelphia County	Filed
	Application for approval to purchase assets and assume liabilities of one branch of VIST Bank, Wyomissing, PA, located at: 36 North 3rd Street Philadelphia Philadelphia County	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-6-2012	Somerset Trust Company Somerset Somerset County	3720 State Route 711 Ligonier Westmoreland County	Opened
7-9-2012	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	3474 William Penn Highway Pittsburgh Allegheny County	Opened
8-2-2012	Somerset Trust Company Somerset Somerset County	1450 Morrell Avenue Connellsville Fayette County	Approved
8-3-2012	Valley Green Bank Philadelphia Philadelphia County	1534-1542 Broad Street Philadelphia Philadelphia County	Filed
8-6-2012	Customers Bank Phoenixville Philadelphia County	101 Theall Road Rye Westchester County, NY	Approved
8-6-2012	Susquehanna Bank Lititz Lancaster County	125 South Ridge Plaza State College Centre County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2012	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	2686 Monroeville Boulevard Monroeville Allegheny County	Closed
8-2-2012	VIST Bank Wyomissing Berks County	2946 Skippack Pike Worcester Montgomery County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-3-2012	American Heritage Federal Credit Union Philadelphia Philadelphia County	Filed
Application for approval to merge UTI Employees Credit Union, Collegeville, with and into American Heritage Federal Credit Union, Philadelphia.		

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1641. Filed for public inspection August 24, 2012, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Opportunity Scholarship Tax Credit Program for the 2012-2013 School Year**

The Department of Education (Department) has created a list of low-achieving schools as required under the act of July 2, 2012 (P. L. 751, No. 85) (Act 85) Act 85 created the Opportunity Scholarship Tax Credit Program (program), which enables eligible students who reside within the attendance boundary of a low-achieving school to apply for a scholarship to attend a participating public or nonpublic school. A low-achieving school is defined by Act 85 as a public school that is in the lowest 15% of its designation as an elementary or secondary school based on the combined mathematics and reading scores from the annual assessment administered in the previous school year for which the Department has posted results on its web site at www.education.state.pa.us. The term does not include a charter school, cyber charter school or area vocational-technical school. For additional information on how to apply for an opportunity scholarship, visit www.newpa.com/ostc. For information about the program, contact the Department of Community and Economic Development's Tax Credit Division at (717) 787-7120.

Opportunity Scholarship Tax Credit Program

Low-achieving schools based on combined math and reading scores from the 2010-2011 Pennsylvania System of School Assessment. Students who reside in the attendance boundary of one of these schools may be eligible for an Opportunity Scholarship for the 2012-2013 school year.

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
103021903	Allegheny	CLAIRTON CITY SD	CLAIRTON EL SCH	Regular Elementary
103021903	Allegheny	CLAIRTON CITY SD	CLAIRTON MS/HS	Regular Secondary
103022503	Allegheny	DUQUESNE CITY SD	DUQUESNE CONSOLIDATED SCHOOL	Regular Elementary/ Secondary
103022803	Allegheny	EAST ALLEGHENY SD	EAST ALLEGHENY HS	Regular Secondary
103026002	Allegheny	MCKEESPORT AREA SD	CENTENNIAL EL SCH	Regular Elementary
103026002	Allegheny	MCKEESPORT AREA SD	GEORGE WASHINGTON SCH	Regular Elementary
103026002	Allegheny	MCKEESPORT AREA SD	MCCLURE MS	Regular Elementary
103026002	Allegheny	MCKEESPORT AREA SD	MCKEESPORT AREA SHS	Regular Secondary
103027352	Allegheny	PENN HILLS SD	LINTON MS	Regular Elementary/ Secondary
103027352	Allegheny	PENN HILLS SD	PENN HILLS SHS	Regular Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
102027451	Allegheny	PITTSBURGH SD	ALLEGHENY TRAD MS ACAD	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	ARLINGTON EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	ARSENAL EL SCHOOL	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	ARSENAL MS	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	BRASHEAR HS	Regular Secondary
102027451	Allegheny	PITTSBURGH SD	CARRICK HS	Regular Secondary
102027451	Allegheny	PITTSBURGH SD	FORT PITT EL SCH	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	GRANDVIEW EL SCH	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	HELEN S FAISON ARTS ACADEMY	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	KING M L EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	LANGLEY HS	Regular Secondary
102027451	Allegheny	PITTSBURGH SD	LINCOLN EL TECH ACADEMY	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	MANCHESTER EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	MURRAY EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	NORTHVIEW EL	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	OLIVER HS	Regular Secondary
102027451	Allegheny	PITTSBURGH SD	PERRY TRADITIONAL ACAD HS	Regular Secondary
102027451	Allegheny	PITTSBURGH SD	PITTSBURGH MILLER PRE K-5	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	PITTSBURGH UNIVERSITY PREP	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	SCHAEFFER EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	SCHILLER CLASSICAL A	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	SOUTH BROOK MIDDLE SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	SPRING HILL EL SCH	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	STEVENS EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	SUNNYSIDE EL SCH	Regular Elementary/ Secondary
102027451	Allegheny	PITTSBURGH SD	WEIL TECHNOLOGY INSTITUTE	Regular Elementary
102027451	Allegheny	PITTSBURGH SD	WOOLSLAIR ELEM SCHL	Regular Elementary
103028833	Allegheny	STEEL VALLEY SD	BARRETT EL SCH	Regular Elementary
103028833	Allegheny	STEEL VALLEY SD	STEEL VALLEY SHS	Regular Secondary
103028853	Allegheny	STO-ROX SD	STO ROX ELEM SCH	Regular Elementary
103028853	Allegheny	STO-ROX SD	STO-ROX HS	Regular Secondary
103028853	Allegheny	STO-ROX SD	STO-ROX MS	Regular Elementary/ Secondary
103029803	Allegheny	WILKINSBURG BOROUGH SD	JOHNSTON EL SCH	Regular Elementary
103029803	Allegheny	WILKINSBURG BOROUGH SD	KELLY EL SCH	Regular Elementary

NOTICES

5525

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
103029803	Allegheny	WILKINSBURG BOROUGH SD	TURNER EL SCH	Regular Elementary
103029803	Allegheny	WILKINSBURG BOROUGH SD	WILKINSBURG MS	Regular Secondary
103029803	Allegheny	WILKINSBURG BOROUGH SD	WILKINSBURG SHS	Regular Secondary
103029902	Allegheny	WOODLAND HILLS SD	DICKSON EL SCH	Regular Elementary
103029902	Allegheny	WOODLAND HILLS SD	EDGEWOOD EL SCH	Regular Elementary
103029902	Allegheny	WOODLAND HILLS SD	FAIRLESS EL SCH	Regular Elementary
103029902	Allegheny	WOODLAND HILLS SD	WILKINS EL SCH	Regular Elementary
103029902	Allegheny	WOODLAND HILLS SD	WOODLAND HILLS JHS	Regular Secondary
103029902	Allegheny	WOODLAND HILLS SD	WOODLAND HILLS SHS	Regular Secondary
127040503	Beaver	ALIQUIPPA SD	ALIQUIPPA EL SCH	Regular Elementary
127040503	Beaver	ALIQUIPPA SD	ALIQUIPPA JSHS	Regular Secondary
114067002	Berks	READING SD	10TH & PENN EL	Regular Elementary
114067002	Berks	READING SD	GATEWAY SCH INTL BUSINESS & WO	Regular Elementary
114067002	Berks	READING SD	GATEWAY SCHOOL PERFORMING ARTS	Regular Elementary
114067002	Berks	READING SD	NORTHEAST MS	Regular Elementary/ Secondary
114067002	Berks	READING SD	NORTHWEST EL SCH	Regular Elementary
114067002	Berks	READING SD	READING SHS	Regular Secondary
114067002	Berks	READING SD	RIVERSIDE EL SCH	Regular Elementary
114067002	Berks	READING SD	SCHOOL OF AGRICULTURE AND SCI	Regular Elementary
114067002	Berks	READING SD	SCHOOL OF TECHNOLOGY AND COMMU	Regular Elementary
114067002	Berks	READING SD	SIXTEENTH & HAAK EL	Regular Elementary
114067002	Berks	READING SD	SOUTHERN MS	Regular Elementary/ Secondary
114067002	Berks	READING SD	SOUTHWEST MS	Regular Elementary/ Secondary
114067002	Berks	READING SD	TENTH & GREEN EL SCH	Regular Elementary
114067002	Berks	READING SD	TWELFTH & MARION EL	Regular Elementary
114067002	Berks	READING SD	TYSON-SCHOENER EL SC	Regular Elementary
108070502	Blair	ALTOONA AREA SD	WRIGHT EL SCH	Regular Elementary
122091352	Bucks	BRISTOL TOWNSHIP SD	BARTON EL SCH	Regular Elementary
122091352	Bucks	BRISTOL TOWNSHIP SD	LAFAYETTE EL SCH	Regular Elementary
104101252	Butler	BUTLER AREA SD	CENTER AVENUE SCH	Regular Elementary
108112502	Cambria	GREATER JOHNSTOWN SD	GREATER JOHNSTOWN MS	Regular Elementary/ Secondary
108112502	Cambria	GREATER JOHNSTOWN SD	WEST SIDE EL SCH	Regular Elementary
121135003	Carbon	JIM THORPE AREA SD	JIM THORPE AREA SHS	Regular Secondary
121136603	Carbon	PANTHER VALLEY SD	PANTHER VALLEY MS	Regular Elementary/ Secondary
121136603	Carbon	PANTHER VALLEY SD	PANTHER VALLEY SHS	Regular Secondary
106172003	Clearfield	DUBOIS AREA SD	WASSON AVENUE EL SCH	Regular Elementary
110177003	Clearfield	PHILIPSBURG-OSCEOLA AREA SD	OSCEOLA MILLS EL SCH	Regular Elementary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
110179003	Clearfield	WEST BRANCH AREA SD	WEST BRANCH AREA EL	Regular Elementary
105201352	Crawford	CRAWFORD CENTRAL SD	COCHRANTON AREA EL S	Regular Elementary
105201352	Crawford	CRAWFORD CENTRAL SD	EAST END EL SCH	Regular Elementary
105201352	Crawford	CRAWFORD CENTRAL SD	FIRST DISTRICT EL SC	Regular Elementary
105201352	Crawford	CRAWFORD CENTRAL SD	MEADVILLE AREA HS	Regular Secondary
105201352	Crawford	CRAWFORD CENTRAL SD	NEASON HILL EL SCH	Regular Elementary
115221402	Dauphin	CENTRAL DAUPHIN SD	CENTRAL DAUPHIN EAST HS	Regular Secondary
115221402	Dauphin	CENTRAL DAUPHIN SD	CENTRAL DAUPHIN EAST MS	Regular Elementary/ Secondary
115221402	Dauphin	CENTRAL DAUPHIN SD	SWATARA MS	Regular Elementary/ Secondary
115221402	Dauphin	CENTRAL DAUPHIN SD	TRI COMMUNITY EL SCH	Regular Elementary
115222752	Dauphin	HARRISBURG CITY SD	BENJAMIN FRANKLIN SCHOOL	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	CAMP CURTIN SCH	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	DOWNEY SCH	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	FOOSE SCH	Regular Elementary
115222752	Dauphin	HARRISBURG CITY SD	HARRISBURG HS	Regular Secondary
115222752	Dauphin	HARRISBURG CITY SD	MARSHALL SCH	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	MELROSE SCH	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	ROWLAND SCHOOL	Regular Elementary/ Secondary
115222752	Dauphin	HARRISBURG CITY SD	SCOTT SCHOOL	Regular Elementary
115228003	Dauphin	STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE ELEM SCH	Regular Elementary
115228003	Dauphin	STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE HIGH SCH	Regular Secondary
125231232	Delaware	CHESTER-UPLAND SD	CHESTER HS	Regular Secondary
125231232	Delaware	CHESTER-UPLAND SD	CHESTER HS—CROZIER ALLIED HE	Regular Secondary
125231232	Delaware	CHESTER-UPLAND SD	CHESTER HS—SCIENCE AND DISCO	Regular Secondary
125231232	Delaware	CHESTER-UPLAND SD	CHESTER UPLAND SCHOOL OF ARTS	Regular Elementary
125231232	Delaware	CHESTER-UPLAND SD	COLUMBUS EL SCH	Regular Elementary
125231232	Delaware	CHESTER-UPLAND SD	MAIN STREET SCH	Regular Elementary/ Secondary
125231232	Delaware	CHESTER-UPLAND SD	STETSER EL SCH	Regular Elementary
125231232	Delaware	CHESTER-UPLAND SD	THE VILLAGE AT CHESTER UPLAND	Regular Elementary/ Secondary
125231232	Delaware	CHESTER-UPLAND SD	TOBY FARMS ELEM SCH	Regular Elementary
125231303	Delaware	CHICHESTER SD	CHICHESTER SHS	Regular Secondary
125237702	Delaware	RIDLEY SD	EDDYSTONE EL SCH	Regular Elementary
125238402	Delaware	SOUTHEAST DELCO SD	ACADEMY PARK HS	Regular Secondary
125238402	Delaware	SOUTHEAST DELCO SD	DARBY TWP EL SCH	Regular Elementary/ Secondary

NOTICES

5527

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
125238402	Delaware	SOUTHEAST DELCO SD	DELCROFT SCH	Regular Elementary/ Secondary
125238402	Delaware	SOUTHEAST DELCO SD	SHARON HILL SCH	Regular Elementary/ Secondary
125239452	Delaware	UPPER DARBY SD	BYWOOD EL SCH	Regular Elementary
125239452	Delaware	UPPER DARBY SD	CHARLES KELLY ELEM SCHOOL	Regular Elementary
125239452	Delaware	UPPER DARBY SD	STONEHURST HILLS EL	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	ALDAN SCH	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	ARDMORE AVENUE SCH	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	BELL AVENUE SCHOOL	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	COLWYN ELEM SCHOOL	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	EAST LANSDOWNE SCH	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	PARK LANE EL SCH	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	PENN WOOD MS	Regular Secondary
125239652	Delaware	WILLIAM PENN SD	PENN WOOD SHS	Regular Secondary
125239652	Delaware	WILLIAM PENN SD	W B EVANS EL SCH	Regular Elementary
125239652	Delaware	WILLIAM PENN SD	WALNUT STREET EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	BURTON EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	CENTRAL HS	Regular Secondary
105252602	Erie	ERIE CITY SD	DIEHL EL SCH	Regular Elementary/ Secondary
105252602	Erie	ERIE CITY SD	EAST SHS	Regular Secondary
105252602	Erie	ERIE CITY SD	EDISON EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	EMERSON-GRIDLEY EL S	Regular Elementary
105252602	Erie	ERIE CITY SD	IRVING EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	LINCOLN EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	MCKINLEY EL SCH	Regular Elementary
105252602	Erie	ERIE CITY SD	PFEIFFER-BURLEIGH EL	Regular Elementary/ Secondary
105252602	Erie	ERIE CITY SD	ROOSEVELT MS	Regular Elementary/ Secondary
105252602	Erie	ERIE CITY SD	STRONG VINCENT HS	Regular Secondary
105252602	Erie	ERIE CITY SD	WAYNE MS	Regular Elementary/ Secondary
105252602	Erie	ERIE CITY SD	WILSON MS	Regular Elementary/ Secondary
105259103	Erie	UNION CITY AREA SD	UNION CITY HS	Regular Secondary
101260303	Fayette	ALBERT GALLATIN AREA SD	ALBERT GALLATIN NORTH MS	Regular Elementary/ Secondary
101260303	Fayette	ALBERT GALLATIN AREA SD	ALBERT GALLATIN SOUTH MS	Regular Elementary/ Secondary
101260303	Fayette	ALBERT GALLATIN AREA SD	GEORGE J PLAVA EL SCH	Regular Elementary
101260303	Fayette	ALBERT GALLATIN AREA SD	MASONTOWN CENTRAL EL	Regular Elementary
101260803	Fayette	BROWNSVILLE AREA SD	BROWNSVILLE AREA MS	Regular Elementary/ Secondary
101260803	Fayette	BROWNSVILLE AREA SD	CARDALE EL SCH	Regular Elementary
101260803	Fayette	BROWNSVILLE AREA SD	CENTRAL EL SCH	Regular Elementary
101261302	Fayette	CONNELLSVILLE AREA SD	CONNELLSVILLE JHS WE	Regular Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
101261302	Fayette	CONNELLSVILLE AREA SD	CONNELLSVILLE TWP EL	Regular Elementary
101261302	Fayette	CONNELLSVILLE AREA SD	DUNBAR TWP EL SCH	Regular Elementary
101261302	Fayette	CONNELLSVILLE AREA SD	SPRINGFIELD EL SCH	Regular Elementary
101261302	Fayette	CONNELLSVILLE AREA SD	ZACHARIAH CONNELL EL	Regular Elementary
101264003	Fayette	LAUREL HIGHLANDS SD	CLARK EL SCH	Regular Elementary
101268003	Fayette	UNIONTOWN AREA SD	LAFAYETTE ELEM SCHOOL	Regular Elementary
101268003	Fayette	UNIONTOWN AREA SD	LAFAYETTE MIDDLE SCHOOL	Regular Elementary/ Secondary
101268003	Fayette	UNIONTOWN AREA SD	UNIONTOWN AREA SHS	Regular Secondary
106272003	Forest	FOREST AREA SD	WEST FOREST EL SCH	Regular Elementary
112281302	Franklin	CHAMBERSBURG AREA SD	BENJAMIN CHAMBERS EL SCH	Regular Elementary
112281302	Franklin	CHAMBERSBURG AREA SD	STEVENS EL SCH	Regular Elementary
112282004	Franklin	FANNETT-METAL SD	FANNETT-METAL MS	Regular Elementary/ Secondary
112286003	Franklin	TUSCARORA SD	MERCERSBURG EL SCH	Regular Elementary
112286003	Franklin	TUSCARORA SD	ST THOMAS EL SCH	Regular Elementary
101308503	Greene	WEST GREENE SD	SPRINGHILL-FREEPORT EL SCH	Regular Elementary
111343603	Juniata	JUNIATA COUNTY SD	TUSCARORA VALLEY EL	Regular Elementary
119355503	Lackawanna	MID VALLEY SD	MID VALLEY HS	Regular Secondary
119357402	Lackawanna	SCRANTON SD	GEORGE BANCROFT #34	Regular Elementary
119357402	Lackawanna	SCRANTON SD	JOHN F. KENNEDY #7	Regular Elementary
113361503	Lancaster	COLUMBIA BOROUGH SD	COLUMBIA JSHS	Regular Secondary
113364002	Lancaster	LANCASTER SD	BURROWES SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	CARTER MACRAE EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	FULTON EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	GEORGE WASHINGTON EL	Regular Elementary
113364002	Lancaster	LANCASTER SD	HAMILTON EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	HAND MS	Regular Elementary/ Secondary
113364002	Lancaster	LANCASTER SD	KING EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	LAFAYETTE EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	LINCOLN MS	Regular Elementary/ Secondary
113364002	Lancaster	LANCASTER SD	MCCASKEY CAMPUSES	Regular Secondary
113364002	Lancaster	LANCASTER SD	PHOENIX ACADEMY	Regular Elementary/ Secondary
113364002	Lancaster	LANCASTER SD	PRICE EL SCH	Regular Elementary
113364002	Lancaster	LANCASTER SD	REYNOLDS MS	Regular Elementary/ Secondary
113364002	Lancaster	LANCASTER SD	WHEATLAND MS	Regular Elementary/ Secondary
113365303	Lancaster	PEQUEA VALLEY SD	PEQUEA VALLEY HS	Regular Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
113382303	Lebanon	EASTERN LEBANON CO SD	EASTERN LEBANON CO M	Regular Elementary/Secondary
113384603	Lebanon	LEBANON SD	HARDING EL SCH	Regular Elementary
113384603	Lebanon	LEBANON SD	LEBANON MS	Regular Elementary/Secondary
113384603	Lebanon	LEBANON SD	LEBANON SHS	Regular Secondary
113384603	Lebanon	LEBANON SD	NORTHWEST EL SCH	Regular Elementary
113384603	Lebanon	LEBANON SD	SOUTHEAST EL SCH	Regular Elementary
113384603	Lebanon	LEBANON SD	SOUTHWEST EL SCH	Regular Elementary
113385003	Lebanon	NORTHERN LEBANON SD	NORTHERN LEBANON SHS	Regular Secondary
121390302	Lehigh	ALLENTOWN CITY SD	CENTRAL EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	CLEVELAND EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	FRANCIS D RAUB MS	Regular Elementary/Secondary
121390302	Lehigh	ALLENTOWN CITY SD	HARRISON-MORTON MS	Regular Elementary/Secondary
121390302	Lehigh	ALLENTOWN CITY SD	HIRAM W DODD EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	JEFFERSON EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	LOUIS E DIERUFF HS	Regular Secondary
121390302	Lehigh	ALLENTOWN CITY SD	LUIS A RAMOS ES	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	MCKINLEY EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	MOSSER EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	ROOSEVELT EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	SOUTH MOUNTAIN MS	Regular Elementary/Secondary
121390302	Lehigh	ALLENTOWN CITY SD	TREXLER MS	Regular Elementary/Secondary
121390302	Lehigh	ALLENTOWN CITY SD	UNION TERRACE EL SCH	Regular Elementary
121390302	Lehigh	ALLENTOWN CITY SD	WILLIAM ALLEN SHS	Regular Secondary
118403302	Luzerne	HAZLETON AREA SD	HAZLETON AREA HS	Regular Secondary
118403302	Luzerne	HAZLETON AREA SD	HAZLETON ELEM/MS	Regular Elementary/Secondary
118408852	Luzerne	WILKES-BARRE AREA SD	DODSON EL SCH	Regular Elementary
118408852	Luzerne	WILKES-BARRE AREA SD	DR DAVID W KISTLER E	Regular Elementary
118408852	Luzerne	WILKES-BARRE AREA SD	G A R MEMORIAL JSHS	Regular Secondary
118408852	Luzerne	WILKES-BARRE AREA SD	HEIGHTS-MURRAY EL SCH	Regular Elementary
117417202	Lycoming	WILLIAMSPORT AREA SD	STEVENS EL SCH	Regular Elementary
109426303	McKean	PORT ALLEGANY SD	PORT ALLEGANY EL SCH	Regular Elementary
104432503	Mercer	FARRELL AREA SD	FARRELL AREA ES/LMS	Regular Elementary
104432503	Mercer	FARRELL AREA SD	FARRELL AREA HS/UMS	Regular Secondary
104435603	Mercer	SHARON CITY SD	MUSSER EL SCH	Regular Elementary
104435603	Mercer	SHARON CITY SD	SHARON HS	Regular Secondary
104435603	Mercer	SHARON CITY SD	SHARON MS	Regular Secondary
123465602	Montgomery	NORRISTOWN SD	EISENHOWER MS	Regular Elementary/Secondary
123465602	Montgomery	NORRISTOWN SD	NORRISTOWN AREA HS	Regular Secondary
123465602	Montgomery	NORRISTOWN SD	STEWART MS	Regular Elementary/Secondary
123466403	Montgomery	POTTSTOWN SD	POTTSTOWN SHS	Regular Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
120481002	Northampton	BETHLEHEM AREA SD	BROUGHAL MS	Regular Elementary/ Secondary
120481002	Northampton	BETHLEHEM AREA SD	CALYPSO EL SCH	Regular Elementary
120481002	Northampton	BETHLEHEM AREA SD	FOUNTAIN HILL EL SCH	Regular Elementary
120481002	Northampton	BETHLEHEM AREA SD	FREEMANSBURG EL SCH	Regular Elementary
120481002	Northampton	BETHLEHEM AREA SD	LINCOLN EL SCH	Regular Elementary
120481002	Northampton	BETHLEHEM AREA SD	MARVINE EL SCH	Regular Elementary
120481002	Northampton	BETHLEHEM AREA SD	WILLIAM PENN EL SCH	Regular Elementary
116496603	Northumberland	SHIKELLAMY SD	CHIEF SHIKELLAMY SCH	Regular Elementary
116496603	Northumberland	SHIKELLAMY SD	GRACE S BECK SCH	Regular Elementary
115504003	Perry	NEWPORT SD	NEWPORT HS	Regular Secondary
115508003	Perry	WEST PERRY SD	BLAIN EL SCH	Regular Elementary
115508003	Perry	WEST PERRY SD	WEST PERRY SHS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	ALCORN JAMES SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	ALLEN ETHEL DR.	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	ALLEN ETHAN SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	ANDERSON ADD B SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	BACHE-MARTIN SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BARRY COMM JOHN SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BEEBER DIMNER MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BETHUNE MARY MCLEOD	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	BLAINE JAMES G SCHOOL	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BLANKENBURG RUDOLPH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BREGY F. AMADEE ELEM SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	BROWN HENRY A SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	BRYANT WILLIAM C SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	CARNELL LAURA H SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	CARROLL CHARLES SCH	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	CASSIDY LEWIS C SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	CAYUGA SCHOOL	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	CHESTER A ARTHUR	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	CLEMENTE ROBERTO MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	CLEVELAND GROVER SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	COMEGYS BENJAMIN B SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	CONSTITUTION HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	COOKE JAY MS	Regular Elementary/ Secondary

NOTICES

5531

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
126515001	Philadelphia	PHILADELPHIA CITY SD	CRAMP WILLIAM SCHOOL	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	CREIGHTON THOMAS SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DEBURGOS BILINGUAL	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DICK WILLIAM SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DISSTON HAMILTON SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DOUGLAS STEPHEN A SCH	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DREW CHARLES R SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DUCKREY TANNER SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	DUNBAR PAUL L SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	EDMUNDS HENRY R SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	ELKIN LEWIS SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	ELLWOOD SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	FAIRHILL SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FELS SAMUEL HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FELTONVILLE INTERMEDIATE SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	FELTONVILLE SCH ARTS & SCIENCE	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FERGUSON JOSEPH C SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FINLETTER THOMAS K SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FITZSIMONS THOMAS ACADEMY	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FRANKFORD HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FRANKLIN BENJAMIN	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FRANKLIN BENJAMIN HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	FULTON ROBERT SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	FURNESS HORACE HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	GEN GEORGE C MEADE SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	GEORGE WASHINGTON HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	GERMANTOWN HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	GIDEON EDWARD SCH	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	GIRARD STEPHEN SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	GOMPERS SAMUEL SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	GROVER WASHINGTON MS	Regular Elementary/Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HAMILTON ANDREW SCH	Regular Elementary/Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
126515001	Philadelphia	PHILADELPHIA CITY SD	HARDING WARREN G MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HARRINGTON AVERY D SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	HARRISON WILLIAM SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HARTRANFT JOHN F SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HESTON EDWARD ELEMENTARY	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HILL LESLIE P SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HOPKINSON FRANCIS SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HOWE JULIA WARD SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	HUEY SAMUEL B SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	HUNTER WILLIAM EL	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	JOHN BARTRAM HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	JONES JOHN PAUL MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	JUNIATA PARK ACADEMY	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KELLEY WILLIAM D SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KELLY JOHN B SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	KENDERTON SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KENSINGTON CREATIVE & PERF ART	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KENSINGTON CULINARY ARTS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KENSINGTON INTL BUSINESS FINAN	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KING MARTIN LUTHER HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	KINSEY JOHN L SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	LAMBERTON ROBERT HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LAWTON HENRY W SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEA HENRY C SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEARNING ACAD NORTH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEARNING ACAD SOUTH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEEDS MORRIS E MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEIDY JOSEPH SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LEVERING WILLIAM SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LINCOLN ABRAHAM HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	LOCKE ALAIN SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	LOGAN SCH	Regular Elementary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
126515001	Philadelphia	PHILADELPHIA CITY SD	LONGSTRETH WILLIAM C	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	LOWELL JAMES R SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	LUDLOW JAMES R SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MARSHALL JOHN SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	MARSHALL THURGOOD	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MCCLOSKEY JOHN F SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	MCKINLEY WILLIAM SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MCMICHAEL MORTON SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MEEHAN AUSTIN MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MIFFLIN THOMAS SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MITCHELL EL SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	MORRIS ROBERT SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MORRISON ANDREW J SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	MORTON THOMAS G SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	MUNOZ-MARIN ELEM	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	NORTHEAST HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	OLNEY EL SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	OVERBROOK ELEM SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	OVERBROOK HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PARKWAY WEST HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PASTORIUS FRANCIS P	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PATTERSON JOHN M SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PAUL ROBESON HS FOR HUMAN SERV	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PEIRCE THOMAS M SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PENN TREATY MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PENNELL JOSEPH SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PENROSE ELEM SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PEPPER GEORGE MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PHILA. HS—BUSINESS & TECH	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	POTTER-THOMAS SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	PRATT ANNA B SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	PRINCE HALL	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	REYNOLDS GEN JOHN F	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	RHOADS JAMES SCH	Regular Elementary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
126515001	Philadelphia	PHILADELPHIA CITY SD	RHODES E W ACADEMY	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	ROXBOROUGH HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SAYRE WILLIAM L MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SCHOOL OF THE FUTURE	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SHARSWOOD GEORGE SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SHAW ANNA H MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SHEPPARD ISAAC SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	SHERIDAN PHILIP H SC	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	SHERIDAN WEST	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SOUTH PHILADELPHIA HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SOUTHWARK SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SPRING GARDEN SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SPRUANCE GILBERT SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	STANTON M HALL SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	STEARNE ALLEN M SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	STEEL EDWARD SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	STRAWBERRY MANSION HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	SULLIVAN JAMES J SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	TAGGART JOHN H SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	TAYLOR BAYARD SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	THEODORE ROOSEVELT MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	TILDEN WILLIAM T MS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	UNIVERSITY CITY HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	VARE ABIGAIL SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	VAUX ROBERTS HS	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	WALTER G SMITH SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	WARING LAURA SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	WASHINGTON GEORGE SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	WASHINGTON MARTHA SCH	Regular Elementary/ Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	WEBSTER JOHN H SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	WEST PHILADELPHIA HS	Regular Secondary
126515001	Philadelphia	PHILADELPHIA CITY SD	WHITTIER JOHN G	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	WILSON ALEXANDER SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	WILSON WOODROW MS	Regular Elementary/ Secondary

<i>AUN</i>	<i>County</i>	<i>School District</i>	<i>School Building</i>	<i>School Type</i>
126515001	Philadelphia	PHILADELPHIA CITY SD	WISTER JOHN SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	WRIGHT RICHARD R SCH	Regular Elementary
126515001	Philadelphia	PHILADELPHIA CITY SD	ZIEGLER WILLIAM H SCH	Regular Elementary/ Secondary
109537504	Potter	OSWAYO VALLEY SD	OSWAYO VALLEY HS	Regular Secondary
116555003	Snyder	MIDD-WEST SD	MIDD-WEST HS	Regular Secondary
108568404	Somerset	TURKEYFOOT VALLEY AREA SD	TURKEYFOOT VALLEY AR EL	Regular Elementary
106616203	Venango	OIL CITY AREA SD	HASSON HEIGHTS SCH	Regular Elementary
106616203	Venango	OIL CITY AREA SD	OIL CITY AREA SHS	Regular Secondary
105628302	Warren	WARREN COUNTY SD	YOUNGSVILLE HS	Regular Elementary/ Secondary
101631003	Washington	BETHLEHEM-CENTER SD	BETHLEHEM-CENTER MS	Regular Elementary/ Secondary
112672803	York	HANOVER PUBLIC SD	HANOVER SHS	Regular Secondary
112679002	York	YORK CITY SD	DAVIS SCH	Regular Elementary
112679002	York	YORK CITY SD	DEVERS SCH	Regular Elementary
112679002	York	YORK CITY SD	EDGAR FAHS SMITH MS	Regular Elementary/ Secondary
112679002	York	YORK CITY SD	HANNAH PENN MS	Regular Elementary/ Secondary
112679002	York	YORK CITY SD	JACKSON SCH	Regular Elementary
112679002	York	YORK CITY SD	MCKINLEY SCH	Regular Elementary
112679002	York	YORK CITY SD	WILLIAM PENN SHS	Regular Secondary

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-1642. Filed for public inspection August 24, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0023051 (Sewage)	Borough of Palmerton WWTP S Third Street End Palmerton, PA 18071	Carbon County Palmerton Borough	Aquashicola Creek (02B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020851 (Sew)	Hyndman Borough Municipal Authority PO Box 445 Hyndman, PA 15545	Bedford County Hyndman Borough	Wills Creek / 13-A	Y
PA0021202 (Sew)	East Berlin Area Joint Authority PO Box 37 East Berlin, PA 17316	Adams County East Berlin Borough	Conewago Creek / 7-F	Y
PA0084522 (IW)	Allentown Refrigerated Terminals, Inc. 125 Seneca Trail Boyertown, PA 19512	Berks County Colebrookdale Township	Ironstone Creek / 3-D	Y
PA0088617 (Sew)	Bratton Township 133 Mountain Lane McVeytown, PA 17051	Mifflin County Bratton Township	Carlisle Run / 12-A	Y
PA0083551 (Sew)	Imperial North Carolina Associates Walnut Grove Mobile Home Park 585 Martin Road Gettysburg, PA 17325	Adams County Tyrone Township	UNT of Conewago Creek / 7-F	Y
PA0081060 (Sew)	Meadowbrook MHP, LP 184 Meadowbrook Court New Cumberland, PA 17070-0184	York County New Cumberland Borough	UNT to Yellow Breeches Creek / 7-E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0210285 (Sewage)	James A. Newton SFTF 2415 Jackson Avenue Warren, PA 16365-4330	Warren County Glade Township	Unnamed Tributary to Glade Run (16-B)	Y
PA0263982 (Sewage)	R.L. Thomas SRSTP Summer City, Cottage #4 East Springfield, PA 16411	Erie County Springfield Township	Unnamed Tributary to Lake Erie (15)	Y

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

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

PA0042021, Sewage, SIC Code 4952, **Milford—Trumbauersville Area Sewer Authority**, 1825 Rosenberger Road, Spinnerstown, PA 18967. Facility Name: Milford Trumbauersville STP & Sewer System. This existing facility is located in Milford Township, **Bucks 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), Unami Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.8 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.13
CBOD ₅						
(May 1 - Oct 31)	67	100	XXX	10	15	20
(Nov 1 - Apr 30)	133	200	XXX	20	30	40
Total Suspended Solids	133	200	XXX	20	30	40
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
(May 1 - Oct 31)	15.0	XXX	XXX	2.3	XXX	4.6
(Nov 1 - Apr 30)	46.0	XXX	XXX	6.9	XXX	13.8
Total Phosphorus						
(May 1 - Oct 31)	7.0	XXX	XXX	1.0	XXX	2.0
(Nov 1 - Apr 30)	13.3	XXX	XXX	2.0	XXX	4.0
Total Copper	0.280	XXX	XXX	0.042	XXX	0.084

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

The EPA Waiver is in effect.

PA0244210, Storm Water, SIC Code 2841, **Crystal Inc.**, 601 West Eighth Street, Lansdale, PA 19446. Facility Name: Crystal Inc. PMC. This existing facility is located in Lansdale Borough, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary (Pa. Stream Code 02889) to West Branch Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water intake is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001, 002, 003, and 004 are based on a stormwater event.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Sulfite	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
MBAS	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Conditions

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

The EPA Waiver is in effect.

PA0027421 A-1, Sewage, SIC Code 4952, **Norristown Municipal Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401. Facility Name: Norristown Municipality STP. This existing facility is located in Norristown Municipality, **Montgomery County**.

Description of Existing Activity: The application is for an amendment of the NPDES permit for an existing discharge of treated sewage effluent from the Norristown Municipality STP to the Schuylkill River. The majority of the time, effluent is discharged only through Outfall 001. Discharge occurs at Outfall 002 only during periods of high influent flow.

A portion of the collection system is combined sanitary and stormwater, and there is one permitted combined sewer overflow, CSO 003, that discharges to Sawmill Run immediately upstream of its confluence with the Schuylkill River.

The amendment is for a change in the compliance period for the numerical Dissolved Oxygen limits. Compliance for the numerical limits for DO is changed from an effective date of 7/1/2012 to 1/1/2014.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 9.75 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Instant. Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Interim)	XXX	XXX	Report	Report	XXX	XXX
Dissolved Oxygen (Final)	XXX	XXX	4.0	5.0	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
May 1 - Oct 31	1,630	2,440	XXX	20	30	40
Nov 1 - Apr 30	2,030	3,250	XXX	25	40	50
Total Suspended Solids	2,440	3,660	XXX	30	45	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	2500
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Avg 200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	810	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	1,630	XXX	XXX	20	XXX	40
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Total Copper	XXX	XXX	XXX	Report Avg	Report Daily Max	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Lead	XXX	XXX	XXX	Report Avg	Report Daily Max	XXX
Total Zinc	XXX	XXX	XXX	Report Avg	Report Daily Max	XXX

The proposed effluent limits for Outfall 003 are based on an overflow event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
CBOD ₅	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	Report	XXX

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

- Notification of Designation of Responsible Operator
- Average Weekly Definition
- Remedial Measures if Public Nuisance
- No Stormwater to Sewers
- Necessary Property Rights
- Change of Ownership
- Chlorine Minimization
- Proper Sludge Disposal
- Total Maximum Daily Load (TMDL)/WLA Analysis
- Operator Training
- WETT at Renewal
- Instantaneous Maximum Limits
- Compliance Milestones for DO Limit
- Operations and Maintenance Plan
- Laboratory Certification
- Unpermitted Discharges
- Combined Sewer Overflow (CSO) Bypass Condition
- Bypass Condition for Facilities with High Flow Maintenance Plan
- Fecal Coliform Reporting
- Condition for Schuylkill River TMDL
- Implementation of a Pretreatment Program
- Permit Condition for POTWs with Combined Sewer Overflows

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

The EPA Waiver is not in effect.

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

PA0081396, Sewage, SIC Code 4952, **Peifer & Gross Inc.**, PO Box 506, Elizabethtown, PA 17022. Facility Name: Laurelwood MHP. This existing facility is located in Newberry Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Bennett Run, is located in State Water Plan watershed 7-F 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 0.0033 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.3	XXX	0.5
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

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

The EPA Waiver is in effect.

PA0086151, Sewage, SIC Code 6515, **Harmony Estates MHP**, 110 Inverness Drive, Blue Bell, PA 19422-3202. Facility Name: Harmony Estates MHP. This existing facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Ammonia-Nitrogen				Annl Avg		
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg 1.0	XXX	2.0

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.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Telephone: (814) 332-6942.

PA0020257, Sewage, SIC Code 4952, **Grove City Borough**, P. O. Box 110, Grove City, PA 16127-0110. Facility Name: Grove City Borough STP. This existing facility is located in Grove City Borough, **Mercer 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, Wolf Creek, is located in State Water Plan watershed 20-C and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	375	560	XXX	15	22.5	30
Nov 1 - Apr 30	625	1,000	XXX	25	40	50
Total Suspended Solids	750	1,125	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	87.5	XXX	XXX	3.5	XXX	7
Nov 1 - Apr 30	250	XXX	XXX	10	XXX	21

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

- Electronic discharge monitoring report submittal requirement
- Stormwater best management practices
- Ultraviolet light disinfection maintenance requirement
- WET testing for the permit renewal

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.

PA0101656, Industrial Waste, SIC Code 1389, **Dominion Transmission Inc.**, 654 Carson Hill Road, Luthersburg, PA 15848-4312. Facility Name: Dominion Transmission Division 5 WWTP. This existing facility is located in Henderson Township, **Jefferson County**.

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

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

The proposed effluent limits for Outfall 101 are based on a design flow of 0.01008 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	Report	Report	XXX	53	163	163
Total Suspended Solids	2.5	XXX	XXX	30	XXX	60
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	Report	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX
Alkalinity, Total (as CaCO ₃)						
Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Total Barium	Report	XXX	XXX	Report	XXX	XXX
Total Copper	Report	Report	XXX	0.757	0.865	1.89

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron	0.29	XXX	XXX	3.5	XXX	7
Total Strontium	Report	XXX	XXX	Report	XXX	XXX
Sulfate	Report	XXX	XXX	Report	XXX	XXX
Total Uranium (μ /L)	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	Report	Report	XXX	0.42	0.497	1.05
o-Cresol	Report	Report	XXX	0.561	1.92	1.92
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.26
Phenol	Report	Report	XXX	1.08	3.65	3.65
Acetone	Report	Report	XXX	7.97	30.2	30.2
Acetophenone	Report	Report	XXX	0.0562	0.114	0.14
Acrylamide	0.00079	0.00158	XXX	0.0094	0.018	0.023
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
2-Butanone	Report	Report	XXX	1.85	4.81	4.81
p-Cresol	Report	Report	XXX	0.205	0.698	0.698
Pyridine	Report	Report	XXX	0.182	0.37	0.45
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 201 are based on a design flow that varies.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Specific Conductance (μ mhos/cm)	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow that varies.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Specific Conductance (μ mhos/cm)	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX

Monitoring for the wastewater discharged through this outfall shall be conducted at Internal Outfall 101 and 201 as outlined in the permit.

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

- Requirement to Use eDMR System
- Chemical Additives
- Prohibition of Non-stormwater Discharges
- Acute Whole Effluent Toxicity Monitoring

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. 0112401, Sewerage, **Tyrone Township**, 5280 Old Harrisburg Road, York Springs, PA 17372.

This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of the Heidlersburg Village Pumping Station & Collection system.

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

WQM Permit No. WQG016193, Sewerage, **LCT Energy, LP**, 938 Mount Airy Road, Suite 200, Johnstown, PA 15904

This proposed facility is located in Shade Township, **Somerset County**

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151121A-1	220 Chestnut Associates, LP 55 Country Club Drive, Ste 200 Downingtown, PA 19335	Chester	West Chester Borough	Chester Creek (TSF)

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

Carbon County Conservation District: 5664 Interchange Road, Lehigh, PA 18235, 610-377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021312007	Blue Mtn. Ski Area Attn: Barbara Green 1600 Blue Mtn. Dr. Palmerton, PA 18071	Carbon	Lower Towamansing Twp.	Aquashicola Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806013R	Exeter 2251 Newlins Mill LP 2260 Butler Pike Suite 200 Plymouth Meeting, PA 19462	Northampton	Palmer Twp.	Bushkill Creek, HQ-CWF, MF; Schoeneck Creek, WWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912011	Susan Bickel Estate of William J. & Marion E. Henn 2733 Diane Blvd. Allentown, PA 18103	Lehigh	City of Bethlehem	Unnamed Tributary to Monocacy Creek, HQ-CWF, MF
PAI023906025R	Rick Koze Kay Builders 5930 Hamilton Blvd. Ste. 10 Wescosville, PA 18106	Lehigh	Upper Macungie Twp.	Cedar Creek, HQ-CWF, MF

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112007	Will Donaldson First Pennsylvania Resource LLC 1738 E Third St Ste 175 Williamsport PA 17701	Lycoming	Anthony Twp	Wendell Run EV

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481
 Warren County Conservation District, 300 Hospital Drive, Suite D, Warren PA 16365

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI066210001(1)	Municipal Authority of Township of Sheffield PO Box 821 Sheffield PA 16347 & Chivers Construction 6700 Tow Road Fairview PA 16415	Warren	Sheffield Township	Tionesta Creek HQ-CWF

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

PAG-12 CAFOs

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northwest Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 5212502, Public Water Supply.
 Applicant **Escape Property Owners Association**

[Township or Borough]	Green Twp. Pike County
Responsible Official	Alice Trunzo PO Box 282 Greentown Pa 18426
Type of Facility	Community Water System
Consulting Engineer	Linder Engineering, Inc. RD 1, Box 408D Canadensis, Pa 18325
Application Received Date	July 26, 2012
Description of Action	The addition of treatment for manganese and replacement of booster pumps at well #6 in the Escape Water System.

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 and Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915.

Toussaint Property, 156 Water Street, Thompson Borough, **Susquehanna County**, Sandra Szempruch-Koza, have submitted a Notice of Intent to Remediate on behalf of their client, Andrew Toussaint, 540 Schoolhouse Lane, Willow Grove, PA 19090, concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result from the removal of a 500 gallon underground heating oil tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Scranton Times*, on June 18, 2012. A Final Report was simultaneously submitted.

NaPa Transportation Diesel Release, Church Road and Lockville Road, Wright Township, **Luzerne County**, Amber Roesler have submitted a Notice of Intent to Remediate on behalf of their client, PA DOT Engineer District 4 0, 55 Keystone Industrial Park, Dunmore, PA 18512-1516, concerning the remediation of soil and groundwater found to have been impacted by diesel fuel as a result of a punctured fuel tank caused when a truck stuck a stationary object. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil and groundwater. The intended future use of the site will remain non-residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Rhoads Service Station, 3526 Old Philadelphia Pike, Intercourse, PA 17534, Leacock Township, **Lancaster County**. Letterle & Associates, LLC, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Rhoads Service Station, 3526 Old Philadelphia Pike, Intercourse, PA 17534-7008, submitted a Notice of Intent to Remediate site soils contaminated with waste motor oil from an UST. The site will be remediated to the Residential Statewide Health standard, and future use is unknown.

Plaza 2331, 2331 East Market Street, York, PA 17402, Springettsbury Township, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of Barbara Elliott and Wendy Buchart, 2331 East Market Street, Box 12, York, PA 17402, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs. The site will be remediated to a combination of the Residential Statewide Health and Site-Specific standards. The site will remain commercial.

MUNICIPAL WASTE GENERAL PERMITS

Application for General Permit Renewal 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGM017D003. Four Springs Farms LLC, 9577 Bachelor Road, Kutztown, PA 19530. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application for renewal was found to be administratively complete by the Bureau of Waste Management on July 30, 2012.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

General Permit Application No. WMGM017SW002. Enon Valley Garlic Composting Facility, 214 Little Beaver Road, Enon Valley, PA, 16120. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application for renewal was found to be administratively complete by the Bureau of Waste Management on August 9, 2012.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

General Permit Application No. WMGRO99SC001. Kline's Services, Inc., 5 Holland Street, Salunga, PA 17538.

The Southcentral Regional Office, Waste Management Program received an application on July 17, 2012 for a determination of applicability (DOA) under Residual Waste General Permit No. WMGR099 for the Kline's Services facility located at 5 Holland Street, Salunga, PA in East Hempfield Township, **Lancaster County**. This general permit is for the processing of combined domestic sewage and industrial wastewater treatment residual, generated at a pre-treatment facility for the beneficial use as a soil additive or effective fertilizer for utilization by (i) land application upon agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

32-00230B: Texas Eastern Transmission, L.P. (PO Box 1642, Houston, TX 77251-1642) for installation of one (1) Solar Titan 130 turbine at the Armagh Compressor Station in West Wheatfield, **Indiana County**.

65-00990B: Tenaska Pennsylvania Partners, LLC (1044 N. 115th Street, Suite 400, Omaha, NE 68154-4446) for construction of a new greenfield power generation facility in South Huntingdon Township, **Westmoreland County**. The site will be fueled by pipeline quality natural gas and could operate 8,760 hours per year.

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

08-313-004L: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) for the proposed revision of Plan Approval, 08-313-004L. The plan approval was issued for the installation and operation of a new packed tower wet gas scrubber system to control volatile organic compound and hydrogen sulfide emissions at the Global Tungsten & Powders Hawes Street facility located in North Towanda Township, **Bradford County**.

This plan approval revision corrects typographical errors and revises site level requirements for monitoring and reporting of visible emissions, visible fugitive emissions, and malodors. There are no revisions to the emissions. The emissions from the existing sources will not exceed 0.25 tons of hydrogen sulfide per year and 26.2 tons of volatile organic compounds per year. The Global Tungsten & Powders, Corp., representative to contact regarding this modification is Christopher Luksic, environmental department, Global Tungsten & Powders, Corp., Hawes Street, Towanda PA 18848.

All pertinent documents used in the evaluation of the plan approval revision are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this revised plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 08-313-004L) and concise statements regarding the relevancy of the information or objections to issuance of the revised plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

63-00936F: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00936F to allow the installation and initial temporary operation of a deethanizer, depropanizer, 113.2 MMBtu/hr hot oil heater, 5.5 MMBtu/hr regenerative heater, and rail load-out vapor recovery system at the Houston Gas Plant located in Chartiers Township, **Washington County**. This authorization also allows for increased throughputs of most natural gas liquids from the Houston Gas Plant.

Potential to emit increases from the new sources including the modified rail load-out terminal are estimated to be 18.73 tons of nitrogen oxides (NO_x), 27.06 tons of carbon monoxide (CO), 15.74 tons of volatile organic compounds (VOC), 2.67 tons of particulate matter (PM),

0.15 ton of total hazardous air pollutants (HAP), and 70,620 tons of carbon dioxide equivalents (CO₂e) per year. Best available technology (BAT) for the proposed sources is implementation of a leak detection and repair (LDAR) program, use of ultra-low NO_x burners including flue gas recirculation (FGR) and staged fuel combustion, and good combustion practices including operation and maintenance according to the manufacturer's recommendations. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, and 123.31; and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart KKK for equipment leaks of VOC from onshore natural gas processing plants. The reporting of greenhouse gas emissions in the form of CO₂ equivalent and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a revision to its pending Title V Operating Permit (TVOP) application as necessary in accordance with 25 Pa. Code Subchapters F and G.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00936F) and a concise statement regarding the relevancy of the information or objections to issuance of the Plan Approval. All comments must be received prior to the close of business 30 days after the date of this publication. For additional information you may contact Alan Binder at 412-442-4168.

OPERATING PERMITS

Intent to Issue Title V Operating Permits 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

15-00031: Henry Co. (336 Cold Stream Road, Kimberton, PA 19442) for renewal of the Title V Operating Permit in East Pikeland Township, **Chester County** which expired on July 12, 2012. The facility manufactures protective asphalt coatings and operates numerous mixing tanks, storage tanks and various process piping. The facility is major for Volatile Organic Compounds (VOC) and Particulate Matter (PM) emissions; the facility is an area source for Hazardous Air Pollutants (HAP). There is a new boiler operating at the facility, which is exempt from plan approval requirements according to 25 Pa. Code § 127.14(a)(3). A statement has been added to Section G of the permit indicating that the facility chooses to restrict the fuel used in all boilers on site in order to escape the requirements of 40 C.F.R. Part 63 Subpart JJJJJJ. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64 for PM emissions. The source is not a major source for Greenhouse Gases (GHG).

15-00002: QC, LLC (4581 Lower Valley Road, Atglen, PA 19310) for a renewal of the Title V Operating Permit in West Sadsbury Township, **Chester County** which was initially issued on 11-7-2001 and was subsequently renewed on August 20, 2007. QC, LLC is a printing company which provides printing to the publishing industry. The major products printed include, but are not limited to, magazines, catalogs, newspaper inserts, tabloid magazines and general commercial work. As a result of potential emissions of VOCs and NO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-949-705-4863

06-05065: Glen-Gery Corp. (423 South Pottsville Pike, Shoemakersville, PA 19555) for their Shoemakersville Plant in Perry Township, **Berks County**.

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

The subject facility has actual emissions of 93 tpy of CO, 22 tpy of NO_x, 14 tpy of PM-10, 50 tpy of SO_x and 5 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 127.63.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

V11-036: Interstate Brands Corp.—Philadelphia Bakery. (9801 Blue Grass Road, Philadelphia, PA 19114) for operation of a bakery in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 20.412 MMBTU/hr boilers firing natural gas, seventeen (17) <2 MMBTU/hr heaters firing natural gas or propane, three yeast baking ovens, one yeast fryer, one non-yeast baking oven, and three non-yeast fryers. The air compressors each have selective non-catalytic reduction (SNCR). The yeast-baking ovens are controlled by two catalytic oxidizers.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (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.

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

09-00091: Hubbell, Inc./Columbia Lighting (1119 Beaver Street, Bristol, PA 19007) for renewal of a State Only Operating Permit in Bristol Borough, **Bucks County**. The facility manufactures, powder coats, and assembles commercial lighting fixtures. Source ID 110, an incinerator, has been removed from the facility and will be removed from the operating permit. No new changes have taken place and new sources have been added. The primary pollutant of concern is NO_x coming from various combustion sources for heating and drying ovens from the powder coat process. The primary pollutant of concern is NO_x, with a worst case potential to emit of 9.76 tons per year. The facility is categorized as a natural minor facility. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

39-00049: ACME Cryogenics, Inc.—Allentown Plant (2801 Mitchell Avenue, Allentown, PA 18105) for intent to issue a renewal State Only Operating Permit for a fabricated pipe and pipe fittings facility in the City of Allentown, **Lehigh County**. The facility has potential to emit particulate matter (PM), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), nitrogen oxides (NO_x), sulfur oxides (SO_x) and carbon monoxide (CO) below the major emission thresholds. The proposed State Only Operating Permit contains applicable requirements

for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

39-00087: ACME Cryogenics, Inc.—Allentown Plant (2801 Mitchell Avenue, Allentown, PA 18105) intent to issue a renewal State Only Operating Permit for a fabricated pipe and pipe fittings facility in the City of Allentown, **Lehigh County**. The facility has potential to emit particulate matter (PM), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), nitrogen oxides (NO_x), sulfur oxides (SO_x) and carbon monoxide (CO) below the major emission thresholds. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

48-00097: Lamtec Corp. (5010 River Road, Mt. Bethel, PA 19343) for coated and laminated paper manufacturing in Upper Mount Bethel, **Northampton County**. The sources consist of thirteen (13) laminated lines, mixing processes, and flexographic and ink jet printers. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-03043: Wolf Technologies, LLC—dba Precision Technologies, LLC (551 Old Swede Road, Douglassville, PA 19518) for investment casting foundry in Amity Township, **Berks County**.

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

The subject facility has actual emissions of 1 tpy of NO_x and 1 tpy of CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

06-03551: SGL Carbon, LLC (796 Fritztown Road, P. O. Box 2193, Sinking Spring, PA 19608.) for the graphite components manufacturing plant in Spring Township, **Berks County**.

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

The subject facility has actual emissions of 3 tpy of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

08-00021: Masco Cabinetry, LLC (217 Lamoka Road, Sayre, PA 18840) to issue a renewal state only operating permit for their facility in Athens Township, **Bradford County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 08-00021. The facility's main sources include two (2) wood/natural gas fired boilers, nineteen (19) lumber drying kilns, two (2) emergency diesel-fired engines, a product finishing (surface coating) operation, various woodworking operations and a wood waste storage silo. The facility has potential emissions of 77.6 tons per year of carbon monoxide, 60.2 tons per year of nitrogen oxides, 6.33 tons per year of sulfur oxides, 100 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 32.9 tons per year of volatile organic compound, 10 tons per year of any hazardous air pollutant (HAP), 25 tons per

year of total HAPs, and 36,74 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only (synthetic minor) operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 08-00021) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

N04-011: DGM Polishing & Finishing (8301 Torresdale Avenue, Philadelphia, PA, 19136) for operation of a Hexavalent Chrome Plating Tank (decorative).

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

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

will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing

S12-019: SEPTA—Roberts Complex (341-342 Roberts Avenue, 4301 Wissahickon Avenue, 4400 Clarissa Street, Philadelphia, PA 19140) for operation of a 4.184 MMBTU/hr, two each 8.369 MMBTU/hr, one 0.522 MMBTU/hr, two each 0.72 MMBTU/hr, two each 11.716 MMBTU/hr and two each 0.359 MMBTU/hr boilers firing natural gas and #2 fuel oil and a pressure washer, six space heaters each 0.400MMBTU/hr firing natural gas, and one stage II vapor recovery unit, one spray Paint Booth, an air compressor, a 10MMBTU/hr emergency generator, a sand blaster, and five parts washer in the City of Philadelphia, **Philadelphia County**.

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

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

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

Dixie Consumer Products LLC (605 Kuebler Road, Easton, PA 18040-9282) for their facility in Forks Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Dixie Consumer Products LLC (605 Kuebler Road, Easton, PA 18040-9282) for their facility located in Forks Twp., Northampton County. This Plan Approval No. 48-399-073 will be incorporated into the companies Synthetic Minor Permit 48-00031 through an administrative amendment at a later date.

Plan Approval No. 48-399-073 is for the construction and operation of three (3) new cup forming machines at the facility. Particulate emissions will be controlled by the use of existing cyclones. These limits will meet BAT requirements for this source. PM emissions will be 1.6 TPY, PM2.5 emissions will be 0.37 TPY, VOC emissions will be 4.5 TPY, HAPs emissions will be 0.08 TPY. 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-399-073 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of 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

30841312. Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** to relocate eight degasification boreholes. Surface Acres Proposed 6.6. No additional discharges. The application was considered administratively complete on August 6, 2012. Application received: April 19, 2012.

32851601 and NPDES No. PA0095966. P & N Coal Company, LLC, (P. O. Box 332, Punxsutawney, PA 15767). To renew the permit for the Hillman Tipple in Banks Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on August 7, 2012. Application received: May 10, 2012.

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

11850102 and NPDES No. PA0608483. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Gallitzin and Logan Townships, **Cambria and Blair Counties**, affecting 225.0 acres. Receiving stream(s): unnamed tributaries to Little Laurel Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2012.

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

26100104 and NPDES Permit No. PA0252158. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Pending application for a bituminous surface mine also includes a request for a Section 401 Water Quality Certification, located in Wharton Township, **Fayette County**, affecting 100.6 acres. Receiving streams: unnamed tributaries to Mill Run and Mill Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: December 9, 2011.

63813210 and NPDES Permit No. PA0615129. PA Coal Reclamation, Inc. (P. O. Box 136, Cuddy, PA 15031-0136). Revision application for a stream crossing variance to an existing bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving streams: unnamed tributary to Ten Mile Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 12, 2012.

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

17030120 and NPDES No. PA0243663. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Revision of a bituminous surface mine to add 1.3 acres to the mining area and 100 foot road variance located in Beccaria and Bigler Townships, **Clearfield County** affecting 96.3 acres. Receiving streams: unnamed tributary to Banian Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2012.

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

49070101R. D. Molesevich & Sons Construction Co., Inc., (333 South Pine Street, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties** affecting 816.0 acres, receiving stream: unnamed tributaries to Mahanoy Creek, classified for the following use: cold water fishes. Application received: July 31, 2012.

40-305-011GP12. Heavy Media, Inc., (P. O. Box 27, Nanticoke, PA 18634), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40763206 in Larksville Borough, **Luzerne County**. Application received: July 31, 2012.

Noncoal Applications Received

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

08120305. Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850). Commencement, operation and restoration of a large non-coal surface mine (topsoil, sand and gravel) operation in Wysox Township, **Bradford County** affecting 20.0 acres. Receiving streams: Susquehanna River classified for Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 1, 2012.

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

7775M1A3C7 and NPDES Permit No. PA0611883. Martin Stone Quarries, Inc., (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of NPDES Permit for discharge of treated mine drainage in Colebrookdale Township, **Berks County** affecting 227.6 acres, receiving stream: unnamed tributary to Swamp Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: July 31, 2012.

64020811. Tompkins Bluestone Co., Inc., (P. O. Box 776, Hancock, NY 13783), Stage I & II bond release of a quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres on property owned by Tompkins Bluestone Co., Inc. Application received: August 1, 2012.

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)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (Total)	2.0mg/l	4.0mg/l	5.0mg/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	35mg/l	70mg/l	90mg/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. PA0269026 (Mining permit no. 32120102), Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001 new NPDES permit for surface and auger mining in Brushvalley and Center Townships, **Indiana County**, affecting 80.0 acres. Receiving stream(s): unnamed tributaries to Laurel Run, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: May 18, 2012.

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

The treated wastewater listed below discharge to unnamed tributaries to Laurel Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004, 005, 006	Yes

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

<i>Outfalls: 004, 005, 006</i> <i>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
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard	units at all times		
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to unnamed tributaries to Laurel Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002, 003	Yes

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

<i>Outfalls: 001, 002, 003</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	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			

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1084. Montgomery County, One Montgomery Plaza, Suite 201, 425 Swede Street, Norristown, PA 19401, Norristown Borough and Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activity associated with the improvement of the Lafayette Street extension and improvement project in the floodplain of the Schuylkill River (WWF/MF):

To modify, extend, and maintain the existing Lafayette Street (S.R. 9102) associated with its connection to Conshohocken Road (S.R. 3013). This work includes all the appurtenant work within the floodplain such as local road intersection modification, and proposed sidewalks.

The project will permanently impact approximately 0.96 acre of floodplain (1550 cubic yards of net fill) The site commences at approximately 400 feet west of Danehower Bridge in the Borough of Norristown and runs east extending the Lafayette Street from its current terminal point at Ford Street to the Conshohocken Road in Plymouth Township. The project is located in Plymouth Township and Norristown Borough, Montgomery County (Norristown, PA USGS Quadrangle N: 19.88 inches; W: 11.53 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E48-419. Bushkill Township, 1114 Bushkill Center Road, Nazareth, PA 18064, in Bushkill Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide at-grade stone aggregate walking trail crossing approximately 750 feet of wetlands within the Sobers Run Watershed (HQ-CWF, MF) with cross-pipes placed at 15-foot intervals. The project will impact 0.17 acre of wetlands. The trail begins at Keller Road (T-638) (Wind Gap, PA Quadrangle Latitude: 40°48'2.3"; Longitude: -75°18'39.5") and extends approximately 2 miles north to Moorestown Road (SR 0512) (Wind Gap, PA Quadrangle, Latitude: 40°49'39.3"; Longitude: -75°18'50.2").

Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-644. Columbia Gas Transmission, LLC. 1700 MacCorkle Avenue, SE, Charleston, WV 25314. Robinson Township, **Washington County**; ACOE Pittsburgh District.

Applicant is proposing to construct and maintain a chain link fence and to operate and maintain the existing facility along the left bank floodway of an UNT to Robinson Run (WWF) for a distance of approximately 80 feet for the purpose of expanding the facility and to provide a permanent secure enclosure around the NGT&S Primrose Meter and Regulator (M&R) station. The project is located on the west side of Cooks Road approximately

0.2 miles north of its intersection this Noblestown Road (Midway, PA Quadrangle; N: 20.3 inches; W: 2.0 Inches; Latitude: 40° 21' 44"; Longitude: 80° 15' 53") in Robinson Township, Washington County.

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

E20-585, Crawford County Commissioners. Mead Avenue Bridge Replacement, in Vernon Township and the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41°, 38', 15.9"; W: 80°, 9', 42.7").

To remove the existing bridge and to construct and maintain a pre-stressed concrete bulb-tee structure having two normal spans of 112 feet and a minimum underclearance of 19.22 feet on a 90 degree skew on the existing alignment over French Creek (WWF). The roadway profile will be raised 4.25 feet at the west end of the structure and 1.63 feet on the east end of the structure. The project will permanently impact 72 linear feet and temporarily impact 350 linear feet of French Creek.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-050 EXCO Resources (PA), LLC, 3000 Ericson Drive, Suite 200, Warrendale, PA 15086, Franklin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a surface water withdrawal impacting 160 square feet of Little Muncy Creek (EV, MF) (Lairdsville Quadrangle 41°14'22"N 76°36'13"W). The proposed withdrawal will include an intake screen buried to be level with the stream bed.

The project will result in 8 linear square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

E0829-053: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway, Houston, TX 77032, Stevens Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 11,805 square feet of a Palustrine Emergent

Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'30", Longitude: -76° 10'38");

2. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 14,026 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'34", Longitude: -76° 10'47");

3. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,176 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'40", Longitude: -76° 10'55");

4. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,176 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'38", Longitude: -76° 11'09");

5. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 77 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and impacting 1,960 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'32", Longitude: -76°11'25");

The project will result in 77 linear feet and 246 square feet of temporary stream impacts, and 30,144 square feet (0.69 acre) of temporary PEM wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

ENVIRONMENTAL ASSESSMENT

Central Office: Environmental Program Manager, P. O. Box 8461, Harrisburg, PA 17105.

EA1010-001. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P. O. Box 8461, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Donegal Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 750 linear feet of dangerous highwall. The project will include the backfilling of 0.6 acre of open water that have developed within the open surface mine pits. (Chicora Quadrangle N: 9 inches, W: 16 inches).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0063461 (Sewage)	Mehoopany Township WWTP Bridge Road Mehoopany, PA 18629	Wyoming County Mehoopany Township	Little Mehoopany Creek (4-G)	Y

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 ?
PA0083046 (IW)	Easco Hand Tools Inc. 10 Appletree Circle Wrightsville, PA 17368-9512	Lancaster County / West Hempfield Township	UNT to West Branch Little Conestoga Creek / 7-J	Y
PA0081868 Amendment No. 1 (Sew)—Transfer	Fairview Township 599 Lewisberry Road New Cumberland, PA 17070-2510	York County / Fairview Township	Yellow Breeches Creek / 7-E	Y
PA0083917 (IW)	Edge Rubber 811 Progress Road Chambersburg, PA 17201-3257	Franklin County / Chambersburg Borough	UNT Conococheague Creek / 13-C	Y
PA0261009 (Sew)	Robert Fletcher Properties 6836 Old Harrisburg Pike York Springs, PA 17372	Adams County / Huntingdon Township	UNT Bermudian Creek / 7-F	Y
PA0080209 (Sew)	Hoffman Homes for Youth 815 Orphanage Road Littlestown, PA 17340-9329	Adams County / Mount Joy Township	Lousy Run / 13-D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0253201 Sewage	Tarrtown STP SR 4023 Tarrtown, PA 16210	Armstrong County East Franklin Township	Allegheny River	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0253499 Sewage	Polito SR STF 256 Park Lane Darlington, PA 16115	Beaver County Big Beaver Borough	UNT Clarks Run	Y
PA0097390 Sewage	Vekaplast STP 100 Veka Drive Fombell, PA 16123-1303	Beaver County Marion Township	Connoquenessing Creek	Y
PA0203726 Sewage	US Post Office STP 7337 National Pike Addison, PA 15411-9998	Somerset County Addison Borough	Chub Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA022208	Bowers, Chase, Chrzanowski SFTF	Erie County Greene Township	Unnamed Tributary to Fourmile Creek 15	Y

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

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

NPDES Permit No. PA0058408, SEW, **Rivercrest Homeowners Association**, 100 Rivercrest Drive, Phoenixville, PA 19460.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.112 MGD of treated sewage from a facility known as River Crest STP to Unnamed Tributary to Schuylkill River (Outfall 001) and Doe Run (Outfall 002) in Watershed 3-E.

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

NPDES Permit No. PA0261858, Sewage, **Scott and Anna Shaner**, 54 Locust Road, Boyertown, PA 19512-7676.

This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to a dry stream to Ironstone Creek in Watershed 3-D.

NPDES Permit No. PA0261840, Sewage, **Terri Straka**, 1440 Schoffers Road, Birdsboro, PA 19508.

This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Owatin Creek in Watershed 3-D.

NPDES Permit No. PA0261866, Sewage, **Kevin & Mariola McGee**, PO Box 596, Birdsboro, PA 19508.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Monocacy Creek in Watershed 3-D.

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

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

WQM Permit No. 1512406, Sewage, **Nottingham Inn, LLC**, 190 Baltimore Pike, Nottingham, PA 19362.

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

Description of Action/Activity: Construction and operation of a sewage treatment plant.

WQM Permit No. WQG010003, Sewage, **Mr. David B. Morgan**, 1034 Palm Hill Road, Palm, PA 18070-1105.

This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: Permit transferred ownership from Steven Glueck to David B. Morgan with continued operation of a single residence sewage treatment plant.

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

WQM Permit No. 0612402, Sewerage, **Scott and Anna Shaner**, 54 Locust Road, Boyertown, PA 19512-7676.

This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 1500 gallon 2-compartment precast concrete tank with an AdvanTex AX-20 Orenco textile media filter, with recirculation; ultraviolet disinfection unit: Orenco, Model UV-125/31-P.

WQM Permit No. 0612401, Sewerage, **Terri Straka**, 1440 Schoffers Road, Birdsboro, PA 19508.

This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 2-compartment septic tank with effluent filter + peat biofilter + UV disinfection.

WQM Permit No. WQG02071201, Sewerage, **Logan Township Supervisors**, 100 Chief Logan Circle, Altoona, PA 16602.

This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction of new sewage collection system for seven areas in Logan Township.

WQM Permit No. 6701401 Transfer 1, Sewerage, **Wayne A. Luckenbaugh**, 3801 Ridgewood Road, York, PA 17406.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Transfer approval for the operation of sewage facilities consisting of small flow sewage treatment facility consisting of two septic tanks in series, dosing pump tank, subsurface sand filter, tablet chlorinator, chlorine contact tank, and discharge to an unnamed tributary of Kreutz Creek.

WQM Permit No. 0612404, Sewerage, **Kevin & Mariola McGee**, PO Box 596, Birdsboro, PA 19508.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for construction/operation of a single family sewage treatment system to serve their residence.

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

WQM Permit No. 0287417-A1, Sewerage, **Shaler Township**, 300 Wetzel Road, Glenshaw, PA 15116

This existing facility is located in Shaler Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909010	Cold Springs Investment Group, LP 301 Oxford Valley Road Yardley, PA 19067-7713	Bucks	Yardley Borough	Buck Run/Brock Creek/Delaware River (WWF)
PAI01 091108	Bucks County Airport Authority 3879 Old Easton Road PO Box 185 Doylestown, PA 18901	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI01 231102	Stevens Airport Realty Associates, Inc. PO Box 7817 Edison, NJ 08818-7817	Delaware	Tinicum Township	Long Hook Creek (WWF)
PAS10- 5312-R1	Philadelphia Industrial Development Corporation 4747 South Broad Street Building 101, Suite 120 Philadelphia, PA 19112	Philadelphia	City of Philadelphia	Delaware and Schuylkill Rivers (MF)

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>
PAI024511018	PA Conference Association of Seventh-Day Adventists, Inc. 720 Museum Road Reading, PA 19611	Monroe	Stroud Twp.	UNT to Brodhead Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0306-11-006	PennDOT Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Berks	Longswamp Township	Little Lehigh Creek (HQ-CWF)
PAI-0306-08-013	Kutztown Road Associates (The Rink) 6081 Fairway Lane Allentown, PA 18106	Berks	Maxatawny Township	UNT to Schaefer Run (HQ-CWF, MF)
PAI032111007	Lester Z. Martin 415 East Old York Road Carlisle, PA 17015	Cumberland	South Middleton Township	Yellow Breeches Creek (HQ-CWF)
PAI026703002R	Mac Smith 3250 Starlight Drive York, PA 17402	York	East Hopewell Township	UNT to Rambo Run (EV-CWF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG0200 0912025	Niro Realty, LLC PO Box 688 Buckingham, PA 18912	West Branch Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Doylestown township Bucks County	PAG0200 0911067	Bucks County Industrial Development Authority 122 Swamp Road Doylestown, PA 18901	Pine Run/ Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAG0200 0912042	Prime Custom Builders, Inc. 1670 Meetinghouse Road Hartsville, PA 8974	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG0200 0912027	James Wade 624 Bellflower Boulevard Warrington, PA 18976	Tributary to Neshaminy Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Quakertown Borough and Richland Township Bucks County	PAG0200 0912049	Quakertown Borough 35 North Third Street Quakertown, PA 8951	Tohickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Bradford Township Chester County	PAG0200 1512020	University Student Housing LLC 202 Carter Drive West Chester, PA 19383	Plum Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Parkesburg Borough Chester County	PAG0200 505036-R	David, Amberto, Gregory Mattioni 202 West Uwchlan Drive Downingtown, PA 19335	Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG0200 1511004	Southeastern Chester County Refuse Authority 219 Street Road West Grove, PA 9390	Unnamed Tributary East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Colwyn Borough Delaware County	PAG0200 2311027	William Penn School District 100 Green Avenue Lansdown, PA 9050	Cobbs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Township Delaware County	PAG0200 2307026-R	Fairgrounds Housing Partnership One Brewery Place 1301 North 31st Street Philadelphia, PA 19121-4495	Delaware Estuary (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Delaware County	PAG0200 2311002	Stevens Airport Realty Assoc, LP 343 Thomas Street Edison, NJ 08817	Long Hook Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

5561

<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>
Upper Pottsgrove Township Montgomery County	PAG0200 4612034	Don Read 810 Spruce Street Pottstown, PA 19464	Swamp Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4608119	Brad Macy 2620 Egypt Road Norristown, PA 19403	Perkiomen Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG0200 4609030-R	Ronald Moyer 278 West Cherry Lane Souderton, PA 18964	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkiomen Township Montgomery County	PAG0200 4607099-R1	John Riebow 1 Iron Bridge Drive Collegeville, PA 19426	Unnamed Tributary Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511135	Cosan, LLC 4455 Castor Avenue Philadelphia, PA 19124	Frankford Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5111205	Zoological Society of Phila 3400 West Girard Avenue Philadelphia, PA 19104-1196	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hanover Twp., Luzerne County	PAG02004012009	CCL Tube Robert Gatz 1 Lasley Ave. Hanover Twp., PA 18706	UNT to Warrior Run, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
North Whitehall Twp., Lehigh County	PAG02003912007	Michael Kokolus Kokolus Land Development LLC 804 Bent Court Summerville, SC 29458	Fells Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Upper Saucon Twp., Lehigh County	PAG02003911010	Kirpal Saini APS Associates, LLC 3859 Linden St. Ste. 201 Bethlehem, PA 18020	Unnamed Tributary to Upper Saucon Creek (Tumble Brook), CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
New Milford Twp., Susquehanna County	PAG02005812004	DTE Energy Bluestone Pipeline Co. of PA, LLC One Energy Plaza Detroit, MI 48226	Unnamed Tributary to Nine Partners Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
Jim Thorpe Borough, Carbon County	PAG02001308002	Jacob Arner P. O. Box 600 Lehighton, PA 18235	Beaver Run, CWF, MF	Carbon Co. Cons. Dist. 610-377-4894

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

<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>
Hamiltonban & Highland Twps. Adams County	PAG02000112011	Jeff Waite 613 Kemp Mill Forest Drive Silver Spring, MD 20902-1566	UNT to Little Marsh Creek/ UNT to Muddy Run (CWF, MF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Straban Township Adams County	PAG02000112004	David Lazas Gettysburg Crossing, LP Ten E. Baltimore St., Suite 1600 Baltimore, MD 21202	Rock Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Wyomissing Boro. Berks County	PAG02000612032	Brett Mashchak Rare Hospitality International 1000 Darden Center Drive Orlando, FL 32837	Wyomissing Creek/ CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Upper Allen Twp. Cumberland Co.	PAG02002105033R	Lawrence Means Rhodes Development Group 1300 Market Street, PO Box 622 Lemoyne, PA 17043	Cedar Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
West Pennsboro Township Cumberland Co.	PAG02002112008	Robert McCormick Verus Partners, LLC 9525 West Bryn Mawr Avenue, Suite B-203 Allentown, PA 18195	Mount Rock Spring Creek/ WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
West Hanover Township Dauphin County	PAG02002212026	Greg Ciocca Faulkner Ciocca Management, LP 8001 Allentown Boulevard Harrisburg, PA 17112	Manada Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Peach Bottom Township York County	PAG02006712028	Ed Grimmel Jr. Grimmel Farms, Inc. 3855 Federal Road Jarrettsville, MD 21084	UNT to Broad Creek (MD) CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Peach Bottom Township York County	PAG02006712006	Leonard Parrish Lands of LDR, LLC 1101 Southampton Road Bel Air, MD 21014	Scott Creek/ TSF, MF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

NOTICES

5563

*Facility Location:
Municipality &
County*

Red Lion Borough,
Windsor & York
Townships
York County

Permit No.

PAG02006712032

*Applicant Name &
Address*

Columbia Gas
Cottage Place Gas Line
121 Champion Way
Cannonsburg, PA 15317

*Receiving
Water / Use*

Millcreek/WWF

*Contact Office &
Phone No.*

York Co.
Conservation
District
118 Pleasant Acres
Rd
York, PA 17402-8984
717.840.7430

Fairview Twp.
York County

PAG02006711033

Replace Headquarters Facility
South Ave. & 3rd St.,
Bldg. 750
New Cumberland, PA 17070

Yellow Breeches/
CWF,
Susquehanna
River/MF

York Co.
Conservation
District
118 Pleasant Acres
Rd
York, PA 17402-8984
717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

*Facility Location:
Municipality &
County*

Standing Stone Twp
Bradford Cnty

Permit No.

PAG02000812030

*Applicant Name &
Address*

Donald Rovenolf
Rovendale Ag & Barn Inc
1300 Susquehanna Trail
Watsonstown PA 17777

*Receiving
Water / Use*

King Creek
WWF
UNT to
Susquehanna River
WWF

*Contact Office &
Phone No.*

Bradford County
Conservation
District
Stoll Natural
Resource Center
200 Lake Rd Ste E
Towanda PA 18848
(570) 265-5539
X 120

Harris Twp
Centre Cnty

PAG02001412012

Christopher Henry
Green Horizon Landscape
PO Box 59
Boalsburg PA 16827

Slab Cabin Run
CWF

Centre County
Conservation
District
414 Holmes Ave
Ste 4
Bellefonte PA 16823
(814) 355-6817

Woodward Twp
Clinton Cnty

PAG02001810001R

Edward R Nestlerode Jr
Nestlerode Real Estate
145 E Walnut St
Lock Haven PA 17745

UNT to W B of
Susquehanna River
CWF

Clinton County
Conservation
District
45 Cooperation Ln
Mill Hall PA 17751
(570) 726-3798

Lewis Twp
Union Cnty

PAG02006012006

Aaron Beiff
288 Dorman Ln
Mifflinburg PA 17844

Buffalo Creek
CWF

Union County
Conservation
District
Union County
Government Center
155 N 15th St
Lewisburg PA 17837
(570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA
15222-4745.*

*Facility Location:
Municipality &
County*

Somerset Township
Somerset County

Permit No.

PAG02005612003

*Applicant Name and
Address*

Morocco Welding, LLC
133 Morocco Street
Somerset, PA 15501

*Receiving
Water / Use*

UNT to West
Branch of Coxes
Creek (WWF)

*Contact Office and
Phone No.*

Somerset County CD
6024 Glades Pike
Suite 103
Somerset, PA 15601
(724) 837-5271

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Elk Lick Township Somerset County	PAG02005612005	ITI Trailers & Truck Bodies, Inc. PO Box 56 Meyersdale, PA 15552	UNT to Casselman River (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271
Cranberry Township Butler County	PAG02001010010R	North Boundary Partners L.P. Attn: Dominic Gigliotti 11729 Perry Hwy, Ste 509 Wexford PA 15090	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001012029	Vista Ridge Estate L.P. Attn: William J. Weaver 231 Crowe Avenue Mars PA 16046	UNT Breakneck Creek WWF & UNT Glade Run WWF	Butler County Conservation District 724-284-5270
City of St. Mary's Elk County	PAG02002412003	PADOT District 2-0 Attn: Kevin Kline PO Box 342 Clearfield PA 16830	Iron Run CWF and Elk Creek CWF	Elk County Conservation District 814-776-5373

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Pottstown Borough Montgomery County	PAR110043	Dana Driveshaft Products LLC 1040 Center Avenue Pottstown, PA 19440	Schuylkill River-3D	Southeast Region Clean Water Program 484.250.5970
Lansdale Borough Montgomery County	PAR600043	Joe Mattero Recycling 316 West 7th Street Lansdale, PA 19446	UNT to West Branch Neshaminy Creek-2F	Southeast Region Clean Water Program 484.250.5970
Lehighon Borough Carbon County	PAR202230	Blue Ridge Pressure Casting PO Box 208 Lehighon, PA 18235	Mahoning Creek, CWF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Hanover Township Luzerne County	PAR212205	Wilkes-Barre Burial Vault 628 Nanticoke St. Hanover Twp., PA 18706	Susquehanna River, WWF PA DEP	Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Perry Township Berks County	PAR213557	Glen-Grey Corporation 423 S Pottsville Pike Shoemakersville, PA 19555	UNT to Schuylkill River / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Antis Township Blair County	PAR113560	Gardner Denver Inc 150 Enterprise Campus Drive Altoona PA 16601	UNT to Little Juniata River / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
East Hempfield Twp Lancaster County	PAR203596	Euramax International— Fabral Division 3449 Hempland Road PO Box 4608 Lancaster, PA 17601	UNT to W Branch Little Conestoga Creek / TSF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

NOTICES

5565

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster City Lancaster County	PAR803732	National Railroad Passenger Corp. 30th Street Station Box 13 Philadelphia, PA 19104	Conestoga River / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Lancaster City Lancaster County	PAR123570	ConAgra Foods—National Pretzel Lancaster 2060 Old Philadelphia Pike Lancaster, PA 17602	UNT to Mill Creek / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Hanover City York County	PAR123569	CanAgra Foods—National Pretzel Hanover 680 W Chestnut St Hanover, PA 17331	Plum Creek / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Aliquippa Borough Beaver County	PAR206153	Precision Kidd Steel Company One Quality Way Aliquippa, PA 15001	Ohio River	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Somerset Borough Somerset County	PAR806135	New Enterprise Stone & Lime PO Box 77 New Enterprise, PA 16664	Coxes Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

*Facility Location:
Municipality &
County*

<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>
Cranberry Township Butler County	PAR208312	Alcoa Commercial Windows LLC 71 Progress Avenue Cranberry Township, PA 16066-3596	Unnamed Tributary to Brush Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

<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>
Upper Hanover Township Montgomery County	PAG040016	David B & Selena M Morgan 1034 Palm Hill Road Palm, PA 18070-1105	Perkiomen Creek—3E	Southeast Region Clean Water Program Manager 2 E. Main Street Norristown, PA 19401 484-250-5970

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Penn Township York County	PAG083506	Penn Twp Board of Commissioners 20 Wayne Ave. Hanover, PA 17331	Penn Twp WWTP 1020 Wilson Ave. Hanover, PA 17331	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Saville Township Perry County	PAG080016 PAG083556 PAG083605	Merrell Bros., Inc. 8811 W 500 N Kokomo IN 46901	Ronald Grosso Farm 1472 Veterans Way Elliottsburg PA 17024	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-9**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Washington Township York County	PAG093501	Young's Septic Service 330 Kralltown Road Wellsville, PA 17365	Young's Septic Service 330 Kralltown Road Wellsville, PA 17365	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10**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>
Berks County Muhlenberg Township	PAG103529	Buckeye Energy Services, LLC 124 Witman Road Reading, PA 19605	UNT to Laurel Run/ WWF	DEP—SCRO- Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 0912510, Public Water Supply.
 Applicant **Palisades School District**
 39 Thomas Free Drive
 Kintnersville, PA 18930
 Township Nockamixon
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Snyder Hoffman Associate, Inc.
 1005 West Leigh Street
 Bethlehem, PA 18018
 Permit to Construct Issued August 8, 2012

Permit No. 0912514, Public Water Supply.
 Applicant **Lower Bucks County Joint Municipal Authority**
 Borough Tullytown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer CET Engineers Services
 1240 N. Mountain Road
 Harrisburg, PA 17112
 Permit to Construct Issued August 8, 2012

Permit No. 0912502, Public Water Supply.
 Applicant **Doylestown Township Municipal Authority**
 425 Wells Road
 Doylestown, PA 18901-2717
 Township Doylestown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer SC Engineers, Inc.
 P. O. Box 407
 Fort Washington, PA 19034
 Permit to Construct Issued August 10, 2012

Permit No. 0912519, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 West Hershey Park Drive
 Hershey, PA 17033
 Township Lower Makefield
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Pennsylvania American Water Company
 800 West Hershey Park Drive
 Hershey, PA 17033
 Permit to Construct Issued August 8, 2012

Permit No. 4611529 and 4612507 Public Water Supply.
 Applicant **Schwenksville Borough Authority**
 298 Main Street
 P. O. Box 458
 Schwenksville, PA 19473

Borough Schwenksville
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Ebert Engineering, Inc.
 POB 540
 4092 Skippack Pike
 Suite 202
 Skippack, PA 19474
 Permit to Construct Issued July 27, 2012

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

Operations Permit issued to: **ATG Properties, LLC**, 7670098, Hellam Township, **York County** on 8/8/2012 for the operation of facilities approved under Construction Permit No. 6711514 MA.

Operations Permit issued to: **Newberry Farms**, 7670111, Newberry Township, **York County** on 8/8/2012 for the operation of facilities approved under Construction Permit No. 6711524 MA.

Operations Permit issued to: **Steel Fab Enterprises, LLC**, 7360402, Pequea Township, **Lancaster County** on 8/3/2012 for the operation of facilities approved under Construction Permit No. 3612508.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Northern Tioga School District**
 [Township or Borough] Lawrence Township
 County **Tioga**
 Responsible Official Mr. Dale Crans
 Maintenance Supervisor
 Northern Tioga School District
 17 Coates Avenue
 Elkland, PA 16920

Type of Facility Public Water Supply
 Consulting Engineer Gregory Cummings, P.E.
 Larson Design Group
 1 West Market Street,
 Suite 301
 Corning, NY 14830
 Permit Issued August 14, 2012
 Description of Action Construction to replace the 2,500 gal. hydro pneumatic storage tank and the two 100-gal. booster pumps existing in the Williamson Jr./Sr. High School with a smaller hydro pneumatic storage tank and a new pressure-sustaining duplex pump system.

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

Permit No. 1612502 Public Water Supply
 Applicant **Foxburg Area Water and Sewer Authority**

Township or Borough Foxburg Borough
 County **Clarion**
 Type of Facility Public Water Supply
 Consulting Engineer Don A. Gilmore, P.E.
 Dakota Engineering Associates, Inc.
 35 Wilson Street,
 Suite 200
 Pittsburgh, PA 15223
 Permit to Construct August 6, 2012
 Issued

Operation Permit issued to **Edinboro Water Authority**, PWSID #6250022, Edinboro Borough, **Erie County**. Permit Number 2577501-MA1 issued August 10, 2012 for the operation of the renovated 500,000 gallon steel elevated storage tank known as the "Sherrord Hill Road Tank".

Permit No. 2012501 Public Water Supply
 Applicant **Autumn Hills Water Company**
 Township or Borough West Mead Township
 County **Crawford**
 Type of Facility Public Water Supply
 Consulting Engineer Bruce D. Patterson, P.E.
 Porter Consulting Engineers
 814 N. Main Street
 Meadville, PA 16335
 Permit to Construct August 14, 2012
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Eden Twp	489 Stony Hill Rd, Quarryville, PA 17566	Lancaster

Plan Description: Approval of a revision to the Official Sewage Plan of Eden Township, Lancaster County. The plan revision provides for the use of a small flow treatment facility with a discharge to Big Beaver Creek, to serve a two unit residential dwelling with an existing malfunction. The property is located at 459 Camargo Rd in Eden Township. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36931-131-3s and the name of the module is the Sharon Enck Dev. Any required WQM Permits must be obtained in the name of the property owner.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Donegal Township	190 Rockpoint Rd, Marietta PA 17547	Lancaster

Plan Description: The planning module for the Harold & Bertha Martin Subdivision, DEP Code No. A3-36925-175-2, APS Id 784021, consisting of the creation of a 20-acre lot from an 83.25 acre farm with proposed sewage flows to be served by an individual on lot sewage disposal system is disapproved. The proposed development is located on the south side of Kraybill Church Road, east of Colebrook Road in East Donegal Township. This plan is disapproved because the preliminary hydrogeologic study failed to meet the requirements of Chapter 71, Section 71.62 (c)(3). The hydrogeologist used water test results collected by the applicant, which he could not certify as to location or procedure. The hydrogeologic study must be based upon the results of well samples taken either by the hydrogeologist himself, or an independent third party such as lab personnel, or a surveyor trained to take water samples.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

**Mt. Laurel Road Battery Casings Site
 Alsace Township, Berks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) is proposing an interim response at the Mt. Laurel Road Battery Casings Site (Site), Alsace Township, Berks County, Pennsylvania.

Lead contaminated battery casings and soil are located at various depths on three adjoining residential properties located at 1991, 1993 and 1995 Mt. Laurel Road. The Site is located in a predominately rural area, with mixed agricultural and residential uses. The lead contamination constitutes a release of a hazardous substance which poses a threat to public health or safety through ingestion and dermal contact. The proposed response action will entail excavation and offsite disposal of the battery casing material and contaminated soil above Residential State-wide Health Standards. It is not known how or when the battery casing waste was deposited at the Site, but it is suspected the waste was deposited as fill material circa the 1970s. The area will be graded and grass planted to restore the affected areas. Institutional controls will not be required. The cost of this response is estimated at \$500,000.

This notice is being provided pursuant to sections 505(b) and 506(b) of HSCA (35 P. S. Sections 6020.505(b) and 6020.506(b)), and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8:00 a.m. to 3:30 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton

Avenue, Harrisburg, PA 17110, by contacting David Hrobuchak at 717-705-4843. The Administrative Record can also be reviewed at the Alsace Township Building, 65 Woodside Avenue, Temple, PA 19560, telephone 610-929-5324 from 8:30 a.m. to 4:00 p.m., Monday through Friday.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on August 25, 2012, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before November 23, 2012, by mailing them to Mr. Hrobuchak at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have the opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for Tuesday, October 2, 2012, at 7:00 p.m. at the Alsace Township Building, 65 Woodside Avenue, Temple, PA 19560. Persons wishing to present formal oral comment at the hearing should register before 3:00 p.m., September 28, 2012, by calling Mr. Hrobuchak at the above number. There will be an informational meeting at the beginning of the public hearing.

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 call Mr. Hrobuchak at the above number or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Village Center Shopping Center, Richland Township, **Bucks County**. Jim LaRegina, P.G., HRG, Inc. 369 East Pike Drive, Harrisburg, PA 17111 on behalf of Michael Weave, DePaul Management Company, 1750 Walton Road, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

Toussaint Property, 156 Water Street, Thompson Borough, **Susquehanna County**, Sandra Szempruch-Koza, has submitted a Final Report on behalf of their client, Andrew Toussaint, 540 Schoolhouse Lane, Willow Grove, PA 19090, concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result from the removal of a 500 gallon underground heating oil tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on June 18, 2012. A Notice of Intent to Remediate was simultaneously submitted.

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

Former Jersey Engine Rebuilders, Warren Township, **Bradford County**. Moody & Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf of Nick & Brandy Bevacqua, 40675 Route 187, Rome, PA 18837 has submitted a Final Report concerning remediation of site groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, naphthalene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Maraney's Diamond Detailing, 110 South Vine Street, Carmichaels Borough, **Greene County**. Robert F. Kleinschmidt, Miller Environmental Inc., 7 Pixler Hill Road, Morgantown, WV 26508 on behalf of Todd Johnson, P. O. Box 519, Morgantown, WV 26507 has submitted a Final Report concerning the removal of underground storage tanks previously used for gasoline and waste oil. After removal the property is to remain nonresidential.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Chelsea Pipeline Station Tank Farm, Aston, Upper Chichester and Bethel Township **Delaware County**. Daniel P. Cusick, Conestoga-Rovers & Associates, 103 Gamma Drive Extension, Suite 190, Pittsburgh, PA 15238 on behalf of Deborah LaMond, ConocoPhillips Company,

Risk Management & Remediation, 1400 Park Avenue, Room BOB -S-206, Linden NJ 07036 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Cleanup Plan and Remedial Investigation Report were placed on hold by the Department on July 10, 2012

Umbria Street Property, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia PA 19104, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia PA 19104, Dan Lacz, JERC Partners XVI, L.P., 171 State Road 173, Asbury, NJ 08802 on behalf of David Stubbs, Stubbs Enterprises, Inc. 371 Pelham Road, Philadelphia, PA 19119 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents and pah's. The Cleanup Plan and Remedial Investigation Report were disapproved by the Department on July 16, 2012.

16th & 1646 2nd Street Pike, Northampton Township **Bucks County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Sovereign Bank, N.A. 130 Berkshire Blvd, Wyomissing, PA 19610 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 17, 2012.

Naval Support Activity Building 22 & 10, City of Philadelphia **Philadelphia County**. Joseph S. Tomalavage, Tetra Tech Inc., 234 Mall Boulevard, Suite 260, King of Prussia, PA 19406 on behalf of Terrance Earley, US Navy, 700 Robbins Avenue, Philadelphia, PA 19111 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

7810 Rockwell Avenue, City of Philadelphia, **Philadelphia County**. Jeremy W. Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Herbert Gordon, 2772 Red Gate Drive, Philadelphia, PA 18902 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 12, 2012.

Janssen Research & Development LLC, Lower Gwynedd Township **Montgomery County**. Heath Brown, Environmental Standards, 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482, Nick DiCarol, Lewis Environmental Group, 155 Railroad Plaza, P. O. Box 639, Royersford, PA 19468 on behalf of David G. Link, Janssen Research & Development, LLC, Welsh & McKean Road, P. O. Box 776, Spring House, PA 19477 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 12, 2012.

45 West Hines Street Property, City of Philadelphia, **Philadelphia County**. Thomas Hippensteal, P.G., Envirosearch Consultants, Inc., P. O. Box 940, Springhouse, PA 19477 on behalf of David Plante, Lafayette School L.P., 4220 Main Street, Philadelphia, PA 19127 has submitted a Final Report concerning the

remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 25, 2012.

901 West Berks Street, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Rose V. Gray, Asociacion Puertoriquemmos EnMarcha, 600 West Diamond Street, Philadelphia, PA 19122 on behalf of Joanna Cuevas, Jonatham Rose Companies, 551 5th Avenue, 23rd Floor, New York, NY 10176 has submitted a Final Report concerning the remediation of site soil contaminated with metals. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 1, 2012.

Mancill Hill Road Company, Upper Merion Township **Montgomery County**. Walter Hungarter, RT Environmental Services Inc., 215 West Church Street, King of Prussia, PA 19406 on behalf of A. Calvarese, VMP, 50 Brandon Road, Jeffersville, PA 19403 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with asbestos and arsenic. The Cleanup Plan was approved by the Department on February 23, 2012.

MA Bruder & Sons, City of Philadelphia **Philadelphia County**. David R. Kerschner, KU Resources.com, 22 South Linden Street, Duquesne, PA 15110 on behalf of Kenneth Stroebel, The Sherwin-Williams Company, 101 West Prospects Avenue, Cleveland, OH 44115 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2010.

Kinder Morgan Fertilizer Dome Lease Area 3&4, Falls Township **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, Inc., 2700 Kelley Road, Suite 200, Warrington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 5, 2012.

538-552 West Lancaster Avenue Property, Haverford Borough **Montgomery County**. Michael Christie, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Daniel Polett & Scott Lustgarten, Dan Scott 538 West Lancaster, LP, 568 West Lancaster Avenue, Haverford, PA has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 3, 2012.

DiPinto's Caterers, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Carmine Di Pinto, Jr, DiPinto's Caterers, 4070 Torresdale Avenue, Philadelphia, PA 19124 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 19, 2012.

Philabundance, City of Philadelphia **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001

Market Street, Philadelphia, PA 19041 on behalf of Sandy Salzman, New Kensington CDC., 2515 Frankford Avenue, Philadelphia, PA 19125 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

Solid State Scientific Inc., Montgomery Township **Montgomery County**. Paul C. Miller, Environmental Alliance Inc., 5341 Limestone Road, Wilmington, DE 19808 on behalf of Anthony Cino, 160 Commerce Drive LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067-7713 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with other organics. The Remedial Investigation Report was disapproved by the Department on June 27, 2012.

ConocoPhillips Trainer Refinery, Marcus Hook and Trainer Boroughs **Delaware County**. Sasa Jazic, Atlantic Richfield Company, 150 West Warrenton Road, MC 200-IN, Naperville, IL 60563, Brandt Butler, Barley Mill Plaza, 27-2310, 4417 Lancaster Pike, Wilmington, DE 19805, Stephan Pause, BP Remediation Management, 9 Research Drive Suite 3, Amherst, MA 01002 on behalf of Peter Batey, Conoco Phillips Company, 4101 Post Road, Trainer, PA 19061 has submitted a Cleanup Plan/ Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with pcb and unleaded gasoline. The Cleanup Plan and Remedial Investigation Report were approved by the Department on July 31, 2012.

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

UGI/CPG Former Bangor Manufactured Gas Plant Site, Bangor Borough, **Northampton County**. John J. Mahfood, The Mahfood Group, LLC, 1061 Waterdam Plaza Drive, Suite 201, McMurray, PA 15317 submitted a Final Report on behalf of his client, UGI Utilities, 2525 N. 12th Street, Suite 360, Reading, PA 19612, concerning the remediation soils and groundwater found to have been impacted by coal tar residuals including polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethyl benzene and xylenes (BTEX compounds) associated with the manufacturing of coal gas. The report documented attainment of the Statewide Health Standard and Site-Specific Standard for soils and groundwater and was approved on August 7, 2012.

William Penn Business Center (Recoil I-78 Tanker Spill), 7331 William Avenue, Upper Macungie Township, **Lehigh County**. Andrew Horwath, ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Laurel, NJ 08054 submitted a Final Report on behalf of his client, Lehigh Valley Investors, 53 State Street, 38th Floor, Boston, MA 02109, concerning the remediation of soil found to have been impacted by waste oil as a result of a spill of an overturned tanker truck. The report documented attainment of the Non-Residential Statewide Health Standard for soil and was approved on August 10, 2012.

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

Former BP Terminal 4574, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, / Antea USA, Inc., 780 East Market Street, Suite 120, West Chester, PA 19382, on

behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Reading Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The Report was approved by the Department on August 3, 2012. The site will be remediated to the Site-Specific standard.

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

Field adjacent to Feusner Well Pad, Columbia Township, **Bradford County**. ERM, 350 Eagleview Blvd., Suite 200, Exton, Pa 18341 on behalf of Talisman Energy, USA for John Feusner, 749 Porter Road, Troy, Pa 16947 has submitted a Final Report concerning the remediation of site soils contaminated with Barium and compounds. The Final report demonstrated attainment of the State-wide Health Standard and was approved by the Department on August 8, 2012.

RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR136. Delaware County Solid Waste Authority, 583 Longview Road, Boyertown, PA 19512-7955; site: Rolling Hills Landfill. This general permit application proposed the beneficial use of leachate as a substitute other water sources used in the hydraulic fracturing process associated with deep shale natural gas development. The application withdrawn on August 13, 2012 by request of the applicant.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC018. Eureka Resources, LLC, 245 Pine Street, Williamsport, PA 17701. Registration to operate under General Permit No. WMGR123 for a treatment facility located in Standing Stone Township, **Bradford County**, for reuse of gas

well frac water and production water. The registration was approved by NorthCentral Regional Office on August 14, 2012

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Registration for General Permit revoked 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 Number WMGR090R010. IA Construction Corporation, 158 Lindsay Road, Zelienople, PA 16323. General Permit Number WMGR090R010 authorizes processing and beneficial use of reclaimed asphalt pavement (RAP) materials as roadway construction material. The Department revoked the determinations of applicability at the request of the IA Construction Corporation on August 9, 2012, for the following facilities:

WMGR090R010E	Homer City Plant
WMGR090R010B	Gibsonia Plant
WMGR090R010I	Zelienople Plant
WMGR090R010G	New Kensington Plant
WMGR090R010A	West Pittsburg Plant

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit revoked 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 Number WMGR028D015. IA Construction Corporation, 158 Lindsay Road, Zelienople, PA 16323. General Permit Number WMGR028D015 authorizes beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The Department revoked the determinations of applicability at the request of the IA Construction Corporation on August 9, 2012, for the following facilities:

WMGR028D015C Homer City Plant
 WMGR028D015D Zelenople Plant
 WMGR028D015G New Kensington Plant
 WMGR028D015F West Pittsburg Plant

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

General Permit Number WMGR079D004. IA Construction Corporation, 158 Lindsay Road, Zelenople, PA 16323. General Permit Number WMGR028D015 authorizes processing and beneficial use of waste asphalt shingles as an aggregate in the production of hot mix asphalt paving material and as a sub-base for road and driveway construction. The Department revoked the determinations of applicability at the request of the IA Construction Corporation on August 9, 2012, for the following facilities:

WMGR028D004D Homer City Plant
 WMGR028D004C Gibsonsia Plant
 WMGR028D004H Zelenople Plant
 WMGR028D004F New Kensington Plant
 WMGR028D004G West Pittsburg Plant

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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 and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 300837: GenOn Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Keystone Generating Station Ash/Mine Refuse Disposal Site, 313 Keystone Drive, Shelocta, PA 15774-7625. Operation of a captive residual waste landfill located in Plumcreek Township, **Armstrong County**. Permit modification authorizing disposal of Waste Limestone Solids and Gypsum Pond Sediment issued in the Regional Office on August 8, 2012.

AIR QUALITY

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

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

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

58-399-046GP5 Bluestone Pipeline Co., of PA, LLC (1 Energy Plaza, WCB 2084, Detroit, MI 48226) on August 2, 2012, for the construction and operation of a Natural Gas Compressor Station at the site located in New Milford Twp., **Susquehanna County**.

39-329-018GP9: DVS Enterprises (5285 W. Coplay Road, Whitehall, PA 18052-2211) on August 8, 2012, for

construction and operation of an IC engine at the site in North Whitehall Twp., **Lehigh County**.

39-329-019GP9: DVS Enterprises (5285 W. Coplay Road, Whitehall, PA 18052-2211) on August 8, 2012, for construction and operation of an IC engine at the site located in Lower Macungie Twp., **Lehigh County**.

39-310-046GP3: DVS Enterprises (5285 W. Coplay Road, Whitehall, PA 18052-2211) on August 8, 2012, for construction and operation of a Portable Crushing Operation with watersprays at the site in North Whitehall Twp., **Lehigh County**.

39-310-047GP3: DVS Enterprises (5285 W. Coplay Road, Whitehall, PA 18052-2211) on August 8, 2012, for construction and operation of a Portable Crushing Operation with watersprays at the site located in Lower Macungie Twp., **Lehigh County**.

58-310-063GP3: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on August 9, 2012, for construction and operation of a Portable Crushing Operation with watersprays located in Auburn Twp., **Susquehanna County**.

58-329-056GP9: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on August 9, 2012, for installation and operation of a Diesel I/C engine located in Auburn Twp., **Susquehanna County**.

58-329-055GP9: Nittany Nova Aggregates LLC (2840 West Clymer Avenue, Suite 400, Telford, PA 18969) on August 2, 2012 for the installation and operation of Diesel I/C engines at the Choconut Shea Quarry Site located in Choconut Twp., **Susquehanna County**.

40-323-021GP4: Pulverman (1170 Lower Demunds Road, Dallas, Pa 18612) on August 8, 2012 for the installation and operation of a Burn Off Oven at the site located in Kingston Twp., **Luzerne County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

GP11-67-05020A: Exelon Generation Co, LLC (1848 Lay Road, Mail Code PS-2, Delta, PA 17314-9032) on August 9, 2012 for seven (7) non-road IC engines under GP11, to temporarily power compressors and electric generators during an upcoming refueling outage at the Peach Bottom Atomic Power Station located in Peach Bottom Township, **York County**.

GP1-36-03131: Lancaster Regional Medical Center (250 College Avenue, Lancaster, PA 17603) on August 8, 2012 for the two (2) natural gas/#2 oil-fired boilers under GP1, at the Lancaster Regional Medical Center in Lancaster City, **Lancaster County**. The general permit authorization was renewed.

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

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

GP5-41-679: PVR NEPA Gas Gathering, L.L.C. (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on July 25, 2012, for the construction and operation of seven natural-gas-fired compressor engines, each rated at 1380 brake horsepower and equipped with catalytic converters, two 125 million standard cubic feet per day glycol dehydrators with 2.0 MMBtu/hr reboilers equipped with a 5.0 MMBtu/hr ther-

mal oxidizer, six produced-water tanks each rated 12,600 gallons, eleven 300 gallon compressor oil tanks, one 4000 gallon compressor oil tank, eleven 300 gallon lube oil tanks, one 4000 gallon lube oil tank, one 330 gallon used oil tank, one 2000 gallon glycol tank, and twelve 300 gallon methanol tanks under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Loop Hill Compressor Station in Penn Township, **Lycoming County**.

GP5-08-302A: Angelina Gathering Company (2350 North Sam Houston Parkway East, Houston, TX 77009) on August 8, 2012, to construct and operate two 1380 bhp Caterpillar model G3516ULB natural-gas-fired compressor engines whose air-contaminant emissions will be controlled by Powertherm Co. model 201VO-3-200-7114 oxidation catalysts pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Greenzweig Compressor Site located in Herrick Township, **Bradford County**.

GP24-49-00007-3: Cherokee Pharmaceuticals, LLC (100 Avenue C, PO Box 367, Riverside, PA 17868) on August 2, 2012, to authorize the construction and operation of two (2) new vessel sources that handle/process pharmaceutical products pursuant to the General Plan Approval for Pharmaceutical and Specialty Chemical Production (BAQ-GPA-24) located in Riverside Borough, **Northumberland County**.

GP3-59-236: Chad Cross (19316 Route 6, Mansfield, PA 16933) on August 10, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Kilmer Pit located in Lawrence Township, **Tioga County**.

GP9-59-236: Chad Cross (19316 Route 6, Mansfield, PA 16933) on August 10, 2012, to construct and operate one (1) 300 bhp Deutz BF6M1015, one (1) 350 bhp Caterpillar C9-MBD01670, one (1) 415 bhp Caterpillar D343-62B14473, one (1) 300 bhp Caterpillar C9-JSC00376, one (1) 340 bhp Cummins Mii 34994294, and one (1) 350 bhp John Deere 6081 diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or No. 2 Fuel-fired Internal Combustion Engines at the Kilmer Pit located in Lawrence Township, **Tioga County**.

GP3-59-237: Chad Cross (19316 Route 6, Mansfield, PA 16933) on August 10, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Hemlock Hill Quarry located in Sullivan Township, **Tioga County**.

GP9-59-237: Chad Cross (19316 Route 6, Mansfield, PA 16933) on August 10, 2012, to construct and operate one (1) 300 bhp Deutz BF6M1015, one (1) 350 bhp Caterpillar C9-MBD01670, one (1) 415 bhp Caterpillar D343-62B14473, one (1) 300 bhp Caterpillar C9-JSC00376, one (1) 340 bhp Cummins Mii 34994294, and one (1) 350 bhp John Deere 6081 diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or No. 2 Fuel-fired Internal Combustion Engines at the Hemlock Hill Quarry located in Sullivan Township, **Tioga County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-56-00313A: Caiman Penn Midstream, LLC (5949 Sherry Lane, Suite 1300 Dallas, TX 75225) on August 6, 2012, to allow the modification and installation of one (1) additional 210 bbl produced water tank and enhance the capacity of the existing dehydrator to 20 MMscfd at their Miller Connect compressor station located in Middlecreek Township, **Somerset County**.

GP5-11-00526: Mountain Gathering, LLC (810 Houston Street, Suite 200, Fort Worth, Texas 76102) on August 8, 2012, to allow the operation of one (1) 384 bhp Ajax natural gas-fired engine and one (1) 0.75 MMscfd dehydration unit at the Bessie 8 Compressor Station in Jackson Township, **Cambria County**.

GP5-03-00980: EXCO Appalachia Midstream, LLC. 3000 Ericson Drive, Suite 200, Warrendale, PA 15086 on August 9, 2012, to allow construction and operation of one (1) Caterpillar Compressor engine rated at 1,380 bhp, one (1) Natco (TEG) dehydrator with a capacity of 0.30 MMscfd, a reboiler rated @ 0.75 MMBtu/hr, and four (4) storage tanks with various capacities tanks (2- 500 gallons, 1- 8,820 gallons, and 1-5,200 gallons) at their Schrecengost Compressor Station located in Rayburn Township, **Armstrong County, PA**.

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

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

GP5-27-032A: Pennsylvania General Energy Company LLC, Salmon Creek Well No. 1346 (FR 145, Marienville, PA 16239), issued July 31, 2012, for the operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5), located in Jenks Township, **Forest County**.

GP5-27-036A: Pennsylvania General Energy Company LLC, Salmon Creek Well No. 1347 (FR 145, Marienville, PA 16239), issued July 31, 2012, for the operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5), located in Jenks Township, **Forest County**.

GP5-37-336A: Hilcorp Energy Company, Pulaski Central Facility (3140 Garner Road, Edinburg, PA 16116), issued August 9, 2012, for the operation of three (3) natural gas fired compressor engines (Caterpillar G3516B (2), Caterpillar G3306TA), 10 MMscfd capacity glycol dehydrator/reboiler, 1.5 mmBtu/hr heated inlet separator, utility flare, and associated storage tanks (BAQ/GPA/GP-5), located in Pulaski Township, **Lawrence County**.

GP14-43-362A: Robert L. Snyder Funeral Home, Inc. (3223 Perry Highway, Sheakleyville, PA 16151), issued July 17, 2012, for the operation of one (1) US cremation equipment human crematory model Classic rated 150 lbs/hr to 200 lbs/hr, (BAQ/GPA/GP-14), located in Sheakleyville Borough, **Mercer 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

23-0108D: Barry Callebaut USA, LLC (903 Industrial Highway, Eddystone, PA 19022) On August 9, 2012, for installation of a second cocoa nib roaster and a third nib grinder at their cocoa processing facility in Eddystone Borough, **Delaware County**. This facility is a non-Title V facility. Most of the emissions of VOC from the new sources will be controlled by an existing regenerative thermal oxidizer. Site-wide emissions of VOC will remain below 24.9 TPY. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and 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

58-399-023: Laser Northeast Gathering Co. LLC. (1212 South Abington Road, Clarks Summit, PA 18411) on August 2, 2012, for the installation and operation of four compressor engines at the Shields Compressor Station site located in Dimock Twp., **Susquehanna County**.

54-399-053: OMNOVA (95 Hickory Drive, Auburn, PA 17922) issued on July 24, 2012 for the construction and operation of a cogeneration system with controls at their facility located in West Brunswick Twp., **Schuylkill County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

36-03101A: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) on August 6, 2012, for installation of an organic pellet mill controlled by a high-efficiency cyclone, at a feed mill in East Hempfield Township, **Lancaster County**.

38-03001B: Lebanon Chemical Corp. (1600 East Cumberland Street, Lebanon, PA 17042-8323) on August 7, 2012, for replacement of the Norblo baghouse with a new Donaldson Torit baghouse on Line 5. Also on Line 5, the replacement of the current two (2) Munson mixers with two (2) new Munson mixers. On Line 3, the replacement of the Sackett Triton mixer with the two (2) Munson mixers removed from Line 5. This project will be implemented at the lawn fertilizer manufacturing facility in South Lebanon Township, **Lebanon County**.

63-00958A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe St., Tower 1, Suite 1600, Denver, CO. 80202-2137) on August 9, 2012, for installation and temporary operation of additional sources and for modifications to existing sources to accommodate an increase in maximum natural gas throughput at the MarkWest Welling Compressor Station located in Buffalo Township, **Washington County**.

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

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

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

09-0024F: Waste Management of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on August 8, 2012, to operate a landfill gas collection and treatment system in Tullytown Township, **Bucks County**

09-0196A: Abington Reldan Metals, LLC. (550 Old Bordertown Road, Fairless Hills, PA 19030) on August 8, 2012, to operate (13) thirteen ball mills, five sifters and (2) two blenders exhausting to (2) two baghouses in Falls Township, **Bucks County**

46-0020F: Superior Tube Company, Inc. (3900 Germantown Pike, Collegeville, PA 19426) on August 8, 2012, to operate a vapor degreaser in Lower Providence Township, **Montgomery County**

23-0003P: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) on August 9, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003S: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) On August 9, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003T: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) On August 9, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003U: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) On August 9, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003V: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) On August 9, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

41-00080A: PVR NEPA Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on August 7, 2012, issued a revised plan approval for a change of ownership of the Canoe Run Compressor Station facility from Chief Gathering, LLC to PVR NEPA Gas Gathering, LLC. This facility is located in Mifflin Township, **Lycoming County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

41-00080B: PVR NEPA Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on August 7, 2012, issued a revised plan approval for a change of ownership of the Canoe Run Compressor Station facility from Chief Gathering, LLC to PVR NEPA Gas Gathering, LLC. This facility is located in Mifflin Township, **Lycoming County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

49-00047B: Furman Foods, Inc. (Furman Foods, Inc. PO Box 500, Northumberland PA, 17857-0500) on August 8, 2012 to extend the temporary period of operation for the anaerobic digester and biogas-fired reciprocating internal combustion engine at their facility located in Point Township, **Northumberland County** 180 days from the end of the initial temporary period of operation, August 22, 2012. The revision also incorporates all conditions from Plan Approval 49-00047A into Plan Approval 49-00047B. The plan approval has been extended.

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

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

65-00629: CBC Latrobe Acquisition, LLC (100 33rd Street, Latrobe, PA 15650-1474) to initiate the 180-day period of temporary operation of the wastewater pretreatment system at the Latrobe Brewery located in Latrobe, **Westmoreland County**. The new expiration date shall be January 9, 2013.

63-00936E: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) plan approval minor modification effective August 3, 2012, to consolidate the sources and requirements of PA-63-00936A, PA-63-00936B, and PA-63-00936C with PA-63-00936E at the Houston Gas Plant located in Chartiers Township, **Washington County**. This authorization also, as a result of equipment startup, establishes the period of temporary operation of the rail load-out terminal controlled by a vapor collection unit and enclosed flare authorized under plan approval PA-63-00936E, until February 3, 2013.

04-00227B: IPSCO Koppel Tubulars LLC (PO Box 410, Ambridge, PA 15003) on August 7, 2012, to initiate the 180-day period of temporary operation of the Rotary Hearth Furnace at the Ambridge Plant located in Harmony Township, **Beaver County**. The new expiration date shall be January 24, 2013.

56-00257B: PA Department of Corrections (P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501) on August 8, 2012, to extend the period of temporary operation of the cogeneration facility including two natu-

ral gas-fired boilers, one dual fuel boiler, one landfill gas-fired turbine, and two landfill gas-fired engines authorized under plan approval PA-56-00257B, until February 8, 2013, at SCI Laurel Highlands located in Somerset Township, **Somerset County**.

04-00084B: Monomoy Capital Partners LP, Anchor Acquisition (400 Ninth Street, Monaca, PA 15061) on August 13, 2012, to initiate the 180-day period of temporary operation of the sources covered under PA-04-00084B at the Monaca Plant located in Monaca Borough, **Beaver County**. The new expiration date shall be February 13, 2013.

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

09-00009: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914-1805) On August 9, 2012, for renewal of the Title V Operating Permit for installation of a 7.793 mmBtu/hr wood-fired boiler in South Woodbury Township, **Bedford County**. The initial permit was issued on 8-1-2001 and was subsequently renewed on 7-13-2007. The facility is a direct mail printer that provides targeted advertising, media and marketing services for a diverse range of industries. The company operates seven (7) commercial lithographic printing presses that produce newspaper inserts and advertisements. Based on potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

15-00073: Coatesville VA Medical Center (1400 Blackhorse Hill Rd., Coatesville, PA 19320) On August 9, 2012, for a renewal of an operating Permit in Caln Township, **Chester County**. The facility operates 4 boilers and 11 emergency generators. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 25 tons per year. Monitoring, record keeping and reporting requirements have been kept the same. There has been no additional applicable regulatory requirements for the sources at this facility.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05115: Granger Energy of Morgantown LLC (16980 Wood Road, Lansing, MI 48906-1044) on August 7, 2012 for the landfill gas treatment plant associated with the New Morgan Landfill in Caernarvon Township, **Berks County**.

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

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

18-00013: Clinton Hospital Corporation/Lock Haven Hospital (24 Cree Drive, Lock Haven, PA 17745) on August 3, 2012, for their facility located in the City of Lock Haven, **Clinton County**. The facility's major sources include four (4) dual-fuel natural gas/#2 fuel oil-fired boilers, four (4) #2 fuel oil-fired emergency generators, and one (1) 15,000 gallon fuel oil storage tank. The facility has the potential to emit all criteria pollutants below the major emission thresholds. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

GP5-27-032A: Pennsylvania General Energy Co. LLC—Salmon Creek Well No. 1346 (FR 145, Marienville, PA 16239) on July 31, 2012, for the operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5), located in Jenks Township, **Forest County**.

GP5-27-036A: Pennsylvania General Energy Co. LLC—Salmon Creek Well No. 1347 (FR 145, Marienville, PA 16239) on July 31, 2012, for the operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5), located in Jenks Township, **Forest County**.

GP5-37-336A: Hilcorp Energy Co.—Pulaski Central Facility (3140 Garner Road, Edinburg, PA 16116) on August 9, 2012, for the operation of three (3) natural gas fired compressor engines (Caterpillar G3516B (2), Caterpillar G3306TA), 10 MMscf/d capacity glycol dehydrator/reboiler, 1.5 mmBtu/hr heated inlet separator, utility flare, and associated storage tanks (BAQ/GPA/GP-5), located in Pulaski Township, **Lawrence County**.

GP14-43-362A: Robert L. Snyder Funeral Home, Inc. (3223 Perry Highway, Sheakleyville, PA 16151),

issued July 17, 2012, for the operation of one (1) US cremation equipment human crematory model Classic rated 150 lbs/hr to 200 lbs/hr, (BAQ/GPA/GP-14), located in Sheakleyville Borough, **Mercer County**.

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

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

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

23-00001: Sunoco, Inc.—R and M (Delaware Avenue and Green Street, P.O. Box 426, Marcus Hook, PA 19061-0426) on August 7, 2012, in Marcus Hook Borough, **Delaware County** to amend the Title V operating permit to make a single source determination for Sunoco's Marcus Hook and Philadelphia refineries for New Source Review (NSR), Prevention of Significant Deterioration (PSD), and Title V applicability purposes.

23-00003: Monroe Energy, LLC (4101 Post Rd, Trainer, PA 19061) On August 9, 2012, issued a revised Title V Operating Permit for a change of ownership of the Trainer Refinery from Phillips 66 Company to Monroe Energy, LLC. This facility is located in Trainer Borough, **Delaware County**. This revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

37-00243: INMETCO (1 Inmetco Drive, Ellwood City, PA 16117), for its facility located in Ellwood City Borough, **Lawrence County**. The De minimis emission increase is for the alternate operating scenario (AOS) for operating the EAF (Source 103) without Baghouse #1. In addition, this AOS is exempt from plan approval as it complies 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 April 13, 2011.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
5-13-11	Battery Shredding	0.5				
8-13-12	AOS for EAF	0.54				
Total Reported Increases		1.04				
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

42-00178: Glenn O. Hawbaker Inc., Turtle Point Plant (711 East College Avenue, Bellefonte, PA 16823), for its Turtle Point Facility located at SR 1002 Champlin Hill Road, Turtlepoint, PA 16750, in Annin Township, **McKean County**. The de minimis increase is a result of the installation of a Safety-Kleen Model 250 parts washer in the maintenance shop. VOC emissions are estimated to be 0.0603 tons per year. The Department has started a list of de minimis increases as prescribed in 25 PA Code 127.449(i).

Since the July 3, 2012 Synthetic Minor Permit issuance date, Glenn O. Hawbaker, Inc. has notified the Department of the following de minimis emission increases at the Turtle Point Plant 7:

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
7-16-12	Addition of a parts washer in the maintenance shop				0.0603	
Total Reported Increases					0.0603	
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

61-00200: Webco Industries Inc., Oil City Tube Division (363 Seneca Street, Oil City, PA 16301), for its facility located in Oil City, **Venango County**. The de minimis increase is a result of the installation of an induction line with an electric furnace. Metal tubing is processed using the induction line for heat treatment. Prior to entering the induction furnace, tubes are treated with a VOC containing compound. The coating is volatilized during the heat treat process. VOC emissions are estimated to be 0.96 tons per year. The Department has started a list of de minimis increases as prescribed in 25 PA Code 127.449(i).

Since the November 13, 2007 Permit issuance date, Webco Industries Inc. has notified the Department of the following de minimis emission increases at the Oil City Tube Plant:

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
12-9-10	45 Gallon Parts Washer, Maintenance Building				0.1950	
6-1-12	Induction Line Tube Treatment				0.96	
Total Reported Increases					1.155	
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

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

30831303. Cumberland Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Center, Franklin, and Wayne Township, **Greene County** to add acreage for longwall mining. Stream restoration may be

necessary to alleviate subsidence pooling impacts to stream segments of Pursley Creek, Maple Run, Stewart Run, Bells Run, and Tustin Run. Underground Acres Proposed 4677.0, Subsidence Control Plan Acres Proposed 4677.0. No additional discharges. The application was considered administratively complete on December 27, 2007. Application received: June 19, 2007. Permit issued: August 8, 2012.

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

03060104 and NPDES Permit No. PA0250996. Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201). Transfer permit issued for continued operation and reclamation of an existing bituminous surface mine previously permitted by Thomas J. Smith, Jr., located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: unnamed tributaries to Campbell Run. Transfer application received: April 29, 2011. Permit issued: August 3, 2012.

Noncoal Permits Actions

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

17100301 and NPDES No. PA0257508. City of DuBois (16 West Scribner Ave., DuBois, PA 15801). Commencement, operation and restoration of a large non-coal surface operation (shale and sandstone) located in Brady, Sandy and Union Townships, **Clearfield County** affecting 242.0 acres. Receiving streams: Sugar Camp Run, Laborde Branch to Sandy Lick Creek, all

classified for Cold Water Fishes. There are no potable water supplies within 10 miles downstream. Application received: December 29, 2010. Permit issued: August 6, 2012.

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

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

56124003. Waste Management, 843 Miller Picking Road, Davidsville, PA 15928, blasting activity permit issued for landfill expansion in Conemaugh Township, **Somerset County**. Blasting activity permit end date is completion of project. Permit issued: August 6, 2012.

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

59124108. Midstream Explosives LLC (289 Southside Dr., Newville, PA 17241-8951). Blasting for TC Marshall Wet Spur pipeline located in Liberty Township, **Tioga County**. Permit issued: August 6, 2012. Permit expires: August 2, 2013.

59124109. Midstream Explosives LLC (289 Southside Dr., Newville, PA 17241-8951). Blasting for TC Guillaume Wet Spur pipeline located in Liberty Township, **Tioga County**. Permit issued: August 6, 2012. Permit expires: August 2, 2013.

57124107. Doug Wathen LLC (11934 Fairway Lakes Drive, Suite 1, Ft Myers, FL 33913). Blasting for gas pad construction located in Cherry Township, **Sullivan County**. Permit issued: August 8, 2012. Permit expires: August 8, 2013.

59124002. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654). Seismic exploration for Appoid 2D project located in Sullivan Township, **Tioga County**. Permit issued August 9, 2012. Permit expires: December 31, 2012.

53124001. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654). Seismic exploration for National Fuel 2D project located in Bingham and Genesee Townships, **Potter County**. Permit issued: August 7, 2012. Permit expires: December 12, 2012.

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

06124109. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Alvernia College Cemetery in the city of Reading, **Berks County** with an expiration date of August 8, 2013. Permit issued: August 8, 2012.

40124115. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Abandoned Mine Reclamation Curry Hill Avondale in Plymouth Township, **Luzerne County** with an expiration date of August 30, 2013. Permit issued: August 8, 2012.

06124110. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stone Croft Village Phase III in Marion Township, **Berks**

County with an expiration date of August 31, 2013. Permit issued: August 9, 2012.

36124142. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for ER Martin Elementary School in Lancaster Township, **Lancaster County** with an expiration date of August 8, 2013. Permit issued: August 9, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E06-663: PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, Pennsylvania 18101, in Longswamp Township, ACOE Philadelphia District

To: 1) remove the existing structure and construct and maintain a single span pre-cast concrete arch bridge having a span of 28.0 feet, a width of 31.6 feet, and an underclearance of 7.7 feet over Little Lehigh Creek (HQ-CWF), approximately 30.0 feet upstream from the current alignment, and 2) relocate and maintain 292.0 linear feet of an unnamed tributary to Little Lehigh Creek (HQ-CWF), for the purpose of improving transportation safety and roadway standards located along SR 1010, Section 01B (Manatawny, PA Quadrangle; N: 19.1 inches, W: 7.1 inches; Latitude: 40°29'34.3", Longitude: -75°38'50.8") in Longswamp Township, Berks County.

E06-675: PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, Pennsylvania 18101, in Birdsboro Borough and Exeter Township, ACOE Philadelphia District

To: 1) remove the existing structure, 2) construct and maintain a four span prestressed concrete bridge skewed 90° having a total span of 536.00 feet, a width of 56.46 feet, and a minimum underclearance of 14.80 feet across the Schuylkill River (WWF, MF) approximately 100.0 feet upstream from the existing bridge, 3) place and maintain 10,764,336.0 cubic feet of fill in the left floodplain of the Schuylkill River, 4) construct and maintain two stormwater outfalls to the Schuylkill River at the proposed bridge location, 5) temporarily impact 0.08 acre of wetland, 6) permanently impact 0.01 acre of wetland, and 7) construct a temporary causeway for demolition and construction in five separate phases, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0345 (South Center Street) (Birdsboro, PA Quadrangle; N: 3.3 inches, W: 8.3 inches; Latitude: 40°16'05", Longitude: -75°48'34") in Birdsboro Borough and Exeter Township, Berks County. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

E36-896: Manheim Borough Authority, 18 East High Street, Manheim, PA 17545, in Manheim Borough and Penn Township, **Lancaster County**, ACOE Baltimore District

To remove an existing structure and construct and maintain a 24.25-foot wide, two span pre-stressed composite box beam reinforced concrete deck bridge, having a normal span of 52.5 feet and an underclearance of 9.63 feet across Chickies Creek (WWF, MF), permanently impacting 0.03 acre of palustrine emergent wetland. The project is located on Rettew Lane (Manheim, PA Quadrangle; N: 5.24 inches, W: 4.15 inches; Latitude: 40°09'14"N, Longitude: -76°24'17"W) in the Borough of Manheim and Penn Township, Lancaster County. The purpose of the project is to replace an aging bridge. Wetland impacts are considered de minimus and mitigation is not required.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E41-635. Robert E. Reber, 365 North Main Street, Jersey Shore, PA 17740. Handicap Ramp, in Porter Township, **Lycoming County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41°12'32.4"; W: -77°15'3.1").

To construct and maintain a 33-foot long 4-foot wide "L"-shaped wooden handicap access ramp from his front lawn to his front porch in the left 100-year floodway of the West Branch Susquehanna River located 300 feet

northeast on SR 44 from its intersection with Baer Street. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1597-A1. Pennsylvania Department of Transportation—District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Municipality of Pittsburgh, **Allegheny County**; ACOE Pittsburgh District.

Applicant has been given consent to amend the existing permit that authorizes construction and maintenance of a 14 ft wide, 1,274 ft long elevated walking trail section replacement on piers and fill encroaching into Herrs Island, Allegheny River (WWF) back channel floodway; modification and separation of tributary sewage flows from an enclosure of an unnamed tributary to the Allegheny River with a drainage area of less than 100 acres; modifications to the western end of the 31st Street Bridge; and 5 stormwater outfalls to the Allegheny River; to include temporary impacts from explosive demolition to the western end of the 31st Street Bridge into the Allegheny River back channel, removal of debris by crane mounted barge, and reconstruction of the bridge section using a partial causeway in the back channel. The project is located approximately 2.3 miles upstream of the Allegheny River confluence with the Monongahela River or the start of the Ohio River, in the City of Pittsburgh and adjoining area of Millvale Borough, Allegheny County (Pittsburgh East Quadrangle, N 16.1 inches, W 13.1 inches; Latitude 40° 27' 58" and Long -79° 58' 38").

E03-454. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301, Municipality of Mahoning Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to construct, operate and maintain approximately 120' of articulated concrete matting system with a riprap toe, and approximately 15' of rip-rap bank stabilization extending upstream of the concrete matting along the left bank of a UNT to Mahoning Creek (CWF). The project is located near Mahoning Creek at the foot of the railroad bridge and across from Tipple Road (USGS Distant, PA quadrangle; N: 10.3 inches, W: 13.3 inches; Latitude: 40° 55' 53"; Longitude: 79° 20' 49") in Mahoning Township, **Armstrong County**.

E56-361. Pennsylvania Department of Transportation—District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, Municipality of Quemahoning Township, **Somerset County**; ACOE Pittsburgh District

Applicant has been given consent to remove the existing 28' wide, 142.5' long, two span, SR 0403 bridge with a 60 degree skew and to construct and maintain a new 42.4' wide, 201.8' long, two span bridge with a 72 degree skew and minimum 15.6' underclearance over Stony Creek (TSF); fill and maintain 0.13 acre of adjacent wetland; relocate 258' of an adjacent unnamed tributary; to construct and maintain associated outfalls; temporarily impact 0.01 acre of adjacent wetland; and construct a temporary causeway. The new bridge is located on line with the existing bridge. To compensate for wetland impacts, 0.18 acre of replacement wetlands will be constructed onsite. (Stoystown, Pa Quadrangle; N: 18.2 inches; W: 9.2 inches; Latitude 40° 6' 3.5"; Longitude 78° 56' 28") Quemahoning Township, **Somerset County**.

E65-947. University of Pittsburgh, Greensburg Campus, Municipality of Hempfield Township, **Westmoreland County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a single span bridge of steel beam construction, with a width of approximately 20', an underclearance of approximately 3.71' and a span of approximately 38' across Slate Creek (WWF) for the purpose of providing improved emergency vehicle access to the University Campus, to convert, operate and maintain an existing light vehicle bridge, with a width of approximately 15' and a span of approximately 26' to pedestrian use only, and to stabilize and maintain approximately 75' of stream bank, using riprap and streambank vegetation. The project is located on the University of Pittsburgh's Greensburg campus in Hempfield Township, **Westmoreland County**, PA (Greensburg, PA Quadrangle, N: 4.4" W 5.0"; Latitude: 40° 16' 28", Longitude 79° 32' 09".)

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

E10-476, PA Department of Transportation, District 10-0, P. O. Box 429, Indiana, PA 15701 in the Borough of Zelienople, **Butler County**, ACOE Pittsburgh District

To remove the existing 14 foot single span reinforced concrete slab bridge and to construct and maintain a 15.0 foot x 5.0 foot precast reinforced concrete box culvert with an out to out width of 45.8 feet across Muntz Run (WWF) within its floodplain located at S.R. 0068, Segment 0010, Offset 0668 approximately 1.1 miles Southwest of its intersection with SR 0019. Proposed structure and roadway will be re-aligned approximately 75.0 feet downstream from existing structure to improve safety and update to current design requirements. (Zelienople, PA Quadrangle N: 40°, 46', 56.3"; W: -80°, 09', 12.1").

E16-142, PA Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 in Millcreek Township, **Clarion County**, ACOE Pittsburgh District.

To construct and maintain a 14-foot wide steel I-beams bridge with a timber deck having a structure length of 28 feet set on 2-foot wide by 14-foot long concrete abutment providing a clear span of approximately 24 feet and an underclearance of 4 feet across Woods Run approximately 300 feet upstream of its confluence with Mill Creek on an access road within State Games Lands No. 074. (Corsica, PA Quadrangle N: 41°, 13', 15"; W: 79°, 15', 15.78")

E24-259, Benezette Township, P. O. Box 10, 105 School House Road, Benezette, PA 15821 in Benezette Township, **Elk County**, ACOE Pittsburgh District.

To remove the existing single span steel through truss bridge and to construct and maintain a 18.5-foot out to out steel acrow panel bridge having a single 112.2 foot normal clear span and an underclearance of 15.3 feet across Bennett Branch Sinnemahoning Creek on Grant Road near the village of Grant just off of SR 0555. Project includes the reconstruction of the roadway approaches within the 100 year floodplain and the use of a temporary ford for the construction of the new bridge. (Dents Run, PA Quadrangle N: 41°, 20', 23"; W: 78°, 18', 29")

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-034: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle 41°33'03"N, 76°27'29"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 796 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'02"N, 76°27'25"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 724 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 24 linear feet of Lick Creek (EV) (Dushore, PA Quadrangle 41°33'06"N, 76°27'20"W).

The project will result in 47 linear feet of temporary stream impacts and 1,520 square feet (0.03 acre) of temporary wetland impacts all for the purpose of installing fresh waterlines for Marcellus well development.

E5729-033: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'35"N, 76°33'20"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 25 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'36"N, 76°33'16"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 28 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'39"N, 76°33'11"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 21 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'28"N, 76°32'57"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 27 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'27"N, 76°32'55"W).

The project will result in 124 linear feet of temporary stream impacts for the purpose of installing fresh waterlines for Marcellus well development in Forks Township, **Sullivan County**.

E0829-047: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Sugar Run (CWF,MF) and impacting 3,554 square feet of an adjacent Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'41", Longitude: -76°15'47");

2. two 16 inch temporary waterlines and a timber mat bridge impacting 272 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'42", Longitude: -76°15'45");

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an un-

named tributary to Sugar Run (CWF, MF) (Wyalusing, PA Quadrangle Latitude: 41°37'43", Longitude: -76°15'38");

4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and impacting 356 square feet of an adjacent Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'44", Longitude: -76°15'31");

5. two 16 inch temporary waterlines and a timber mat bridge impacting 518 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'45", Longitude: -76°15'04");

The project will result in 68 linear feet and 272 square feet of temporary stream impacts and 4,700 square feet (0.11 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E5729-035: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 292 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'29"N, 76°25'29"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 5,171 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'26"N, 76°25'10"W);

The project will result in 5,463 square feet (0.13 acre) of temporary wetland impacts for the purpose of installing fresh waterlines for Marcellus well development in Cherry Township, **Sullivan County**.

E6629-007: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Windham Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Rosalie Gathering Line, with impacts as follows:

1. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 984 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.8", Longitude: W76°11'40.6");

2. one 12 inch diameter natural gas line via boring impacting 122 square feet of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.2", Longitude: W76°11'38.4");

3. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 40.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°36'11.6", Longitude: W76°11'35.2");

4. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 51.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'54.8", Longitude: W76°10'37.4");

5. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,634 square feet of Palustrine Emergent/Scrub Shrub (PEM/

PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'54.7", Longitude: W76°10'35.9");

6. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 81.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'49.0", Longitude: W76°10'14.5");

7. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 4,739 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'44.7", Longitude: W76°09'54.1");

8. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,584 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'39.5", Longitude: W76°09'24.4");

9. one 12 inch diameter natural gas line via open cut trenching impacting 21.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'40.7", Longitude: W76°09'07.5");

10. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 2,044 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'46.3", Longitude: W76°09'01.2"); and

11. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 319.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'51.0", Longitude: W76°08'56.1").

The project will result in 512.0 linear feet of temporary stream impacts, 3,150 square feet (0.07 acre) of temporary PEM wetland impacts, 3,218 square feet (0.07 acre) of temporary PEM/PSS wetland impacts, and 4,739 square feet (0.11 acre) of temporary PEM/POW wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

E0829-038: Southwestern Energy Production Company, 917 State Route 92 North Tunkhannock, PA 18657, Herrick and Standing Stone Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 15 foot wide by 5 foot 8 inch high open-bottom, aluminum plate arch culvert impacting 130 linear feet of an unnamed tributary to Rummerfield Creek (WWF) (Rome, PA Quadrangle Latitude: 41°48'06", Longitude: -76°17'26"),

The project will result in 130 linear feet or 2,530 square feet of temporary stream impacts, all for the purpose of installing a permanent access road to a natural gas well pad.

E5829-014: Bluestone Pipeline Company of Pennsylvania, LLC, One Energy Plaza, 1722 WCB, Detroit, Michigan, 48226-1211, Harmony, Jackson, New Milford, and Thompson Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain the Bluestone Gathering System-Phase II natural gas pipeline project, which includes the following impacts:

1) 129.0 linear feet of a UNT to Cascade Creek (CWF, MF) and 8,300 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via boring and tem-

porary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'54.9", W75°32'26.7");

2) 10,900 square feet of temporary impacts and 9,150 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'51.3", W75°32'36.0");

3) 86.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) and 1,750 square feet of temporary impacts and 1,350 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'49.3", W75°32'37.8");

4) 4,400 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'07.9", W75°32'59.1");

5) 12.0 linear feet of a UNT to Pigpen Creek (CWF, MF) and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'04.0", W75°32'59.2");

6) 70.0 linear feet of a UNT to Pigpen Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'59.8", W75°32'58.7");

7) 54.0 linear feet of a UNT to Pippen Creek (CWF, MF) and 2,600 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'54.1", W75°33'0.2");

8) 8,700 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'24.6", W75°32'25.5");

9) 86.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'22.3", W75°32'21.0");

10) 79.0 linear feet of Little Roaring Brook (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'21.7", W75°32'18.9");

11) 307.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) for a construction access road (Susquehanna, PA Quadrangle, N41°58'17.4", W75°32'23.9");

12) 900 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'11.4", W75°31'53.9");

13) 1,000 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'12.3", W75°31'43.7");

14) 83.0 linear feet of Roaring Run (CWF, MF), 400 square feet of temporary impacts to Exceptional Value

(EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 3,050 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'12.9", W75°31'30.3");

15) 69.0 linear feet of a UNT to Roaring Run (CWF, MF), 450 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 150 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'11.9", W75°31'22.8");

16) 76.0 linear feet of a UNT to Hemlock Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'42.2", W75°31'19.3");

17) 83.0 linear feet of Hemlock Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'40.8", W75°31'18.1");

18) 231.0 linear feet of UNTs to Starrucca Creek (CWF, MF), 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, and 2,200 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'28.6", W75°30'56.1");

19) 77.0 linear feet of a UNT to Starrucca Creek (CWF, MF), 1,050 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, 250 square feet of permanent impacts to PSS Wetlands, and 250 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'18.4", W75°30'57.0");

20) 4,350 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands and 1,300 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'13.7", W75°30'55.2");

21) 87.0 linear feet of a UNT to Starrucca Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'11.1", W75°30'54.7");

22) 83.0 linear feet of a UNT to Starrucca Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'08.6", W75°30'54.4");

23) 900 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for via open cut trenching and temporary timber matting one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'05.7", W75°30'56.4");

24) 78.0 linear feet of a UNT to Starrucca Creek (CWF, MF), 3,900 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 900 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'41.3", W75°30'48.3");

25) 92.0 linear feet of Starrucca Creek (CWF, MF) via boring and 50 square feet of temporary impacts to

Palustrine Emergent (PEM) Wetlands via temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'43.6", W75°30'48.1");

26) 79.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'29.2", W75°30'48.4");

27) 104.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 1,750 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'26.2", W75°30'47.9");

28) 31.0 linear feet of a UNT to Starrucca Creek (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°56'18.7", W75°30'42.6");

29) 84.0 linear feet of a UNT to Starrucca Creek (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°56'16.9", W75°30'41.6");

30) 87.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 250 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'10.1", W75°30'40.7");

31) 81.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 5,650 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'08.6", W75°30'40.1");

32) 172.0 linear feet of UNTs to Starrucca Creek (CWF, MF) and 5,350 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'02.6", W75°30'37.6");

33) 150 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'39.2", W75°30'01.3");

34) 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'36.0", W75°30'57.6");

35) 78.0 linear feet of a UNT to Wildcat Run (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'32.9", W75°31'01.3");

36) 350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'29.1", W75°30'54.5");

37) 60.0 linear feet of UNTs to Wildcat Run (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'27.2", W75°30'54.8");

38) 127.0 linear feet of a UNT to Wildcat Run (CWF, MF) and 4,350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'20.8", W75°31'08.2");

39) 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'16.1", W75°31'12.5");

40) 75.0 linear feet of a UNT to Wildcat Run (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'13.3", W75°31'16.9");

41) 81.0 linear feet of a UNT to Wildcat Run (CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'05.7", W75°31'22.3");

42) 13,050 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via boring and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'36.8", W75°31'52.3");

43) 10,900 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'31.6", W75°32'15.3");

44) 91.0 linear feet of East Branch Canawacta Creek (CWF, MF) and 1,300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'30.2", W75°32'18.4");

45) 101.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'20.7", W75°32'38.8");

46) 85.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 2,600 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'17.4", W75°33'03.3");

47) 151.0 linear feet of South Branch Canawacta Creek (CWF, MF), 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 1,450 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'21.5", W75°33'29.8");

48) 2,200 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands for a construction access road via temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'11.0", W75°33'28.8");

49) 2,200 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for

one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'19.9", W75°33'40.2");

50) 1,550 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'12.9", W75°33'43.4");

51) 95.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 150 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'07.4", W75°33'46.4");

52) 111.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 2,600 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'57.4", W75°33'52.4");

53) 120.0 linear feet of UNTs to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'55.9", W75°33'50.8");

54) 76.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'52.0", W75°33'41.3");

55) 99.0 linear feet of South Branch Canawacta Creek (CWF, MF) and 27,000 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'47.7", W75°33'38.6");

56) 79.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'40.7", W75°33'32.1");

57) 75.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'25.7", W75°33'36.8");

58) 103.0 linear feet of South Branch Canawacta Creek (CWF, MF), 4,350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 1,300 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 5,250 square feet of permanent impacts to

Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'17.4", W75°34'00.6");

59) 81.0 linear feet of South Branch Canawacta Creek (CWF, MF) and 21,800 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'08.0", W75°34'14.8");

60) 1,000 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'01.8", W75°34'14.4");

61) 30.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) for a construction access road via a temporary crossing (Susquehanna, PA Quadrangle, N41°52'53.14", W75°34'57.2");

62) 32.0 linear feet of South Branch Canawacta Creek (CWF, MF) for a construction access road via a temporary crossing (Susquehanna, PA Quadrangle, N41°53'01.5", W75°34'49.0");

63) 8,700 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'32.5", W75°35'03.2");

64) 800 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 3,100 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 1,500 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'31.6", W75°35'08.4");

65) 88.0 linear feet of Tunkhannock Creek (CWF, MF) and 10,000 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'33.2", W75°35'19.6");

66) 94.0 linear feet of Drinker Creek (CWF, MF), 12,200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, and 7,400 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'41.4", W75°35'47.9");

67) 89.0 linear feet of a UNT to Drinker Creek (CWF, MF) and 4,350 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'27.1", W75°36'17.0");

68) 76.0 linear feet of Drinker Creek (CWF, MF) and 3,850 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'28.6", W75°36'37.3");

69) 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'27.0", W75°36'52.3");

70) 7,850 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands and 3,900 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'38.3", W75°35'59.5");

71) 1,750 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'41.9", W75°37'05.8");

72) 1,150 square feet of temporary impacts to Exceptional Value (EV) Palustrine Open Water (POW) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'43.8", W75°37'25.3");

73) 150 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands and 400 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'51.2", W75°37'36.1");

74) 25.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'53.4", W75°37'39.0");

75) 111.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'05.7", W75°37'58.7");

76) 94.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'06.4", W75°38'0.7");

77) 149.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) and 900 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'02.6", W75°38'22.5");

78) 117.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) and 14,350 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one

16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'01.3", W75°38'24.3");

79) 1,300 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'57.6", W75°38'30.3");

80) 233.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) and 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'54.8", W75°38'37.5");

81) 116.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'56.1", W75°39'05.9");

82) 95.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'53.1", W75°39'08.9");

83) 81.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'50.4", W75°39'11.9");

84) 188.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'48.9", W75°39'13.7");

85) 81.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'46.0", W75°39'17.6");

86) 2,700 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands and 800 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'27.9", W75°39'24.2");

87) 1,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'25.8", W75°39'30.7");

88) 21,800 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'21.8", W75°39'32.0");

89) 78.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch

steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'17.9", W75°39'32.8");

90) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'24.7", W75°40'20.0");

91) 84.0 linear feet of a UNT to East Lake Creek (HQ-CWF, MF) via boring and 11,750 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'23.7", W75°40'38.1");

92) 30.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'56.5", W75°41'26.8");

93) 300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'55.2", W75°41'26.1");

94) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'53.6", W75°41'25.4");

95) 3,050 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'56.7", W75°41'35.6");

96) 77.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via boring for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'53.7", W75°41'32.5");

97) 76.0 linear feet of Salt Lick Creek (HQ-CWF, MF) via boring for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'51.8", W75°41'32.7");

98) 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'47.3", W75°41'48.5");

99) 50.0 linear feet of a UNT to Salt Lick Creek via boring for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'48.1", W75°41'54.0");

100) 3,500 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'46.2", W75°42'01.5");

101) 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch

steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'47.1", W75°42'08.8");

102) 11,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'36.6", W75°42'28.1");

103) 1,550 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetland for the construction of a natural gas compressor station (Harford, PA Quadrangle, N41°51'33.3", W75°42'44.5");

104) 17,100 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetland for the construction of a natural gas compressor station (Harford, PA Quadrangle, N41°51'30.7", W75°42'48.3"); and

105) 60.0 linear feet of a UNT to Wellmans Creek (HQ-CWF, MF), 5,950 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 1,850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'35.1", W75°42'54.3").

The project will result in the following: 6,262.0 linear feet of stream impacts; 95,900 square feet (2.20 acres) of temporary impacts to Palustrine Emergent (PEM) Wetlands; 32,050 square feet (0.74 acre) of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 18,650 square feet (0.43 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands; 20,200 square feet (0.46 acre) of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 66,500 square feet (1.53 acres) of permanent impacts to Palustrine Forested (PFO) Wetlands; 102,600 square feet (2.36 acres) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands; 6,550 square feet (0.15 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands; 10,650 square feet (0.24 acre) of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands; 18,100 square feet (0.42 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands; and 1,150 square feet (0.03 acre) of temporary impacts to Exceptional Value (EV) Palustrine Open Water (POW) Wetlands; all for the purpose of installing two steel natural gas lines, one HDPE water line, a natural gas compressor station, and associated access roadways for the development of Marcellus Shale natural gas. A contingency plan may be utilized for bored crossings in the event an inadvertent return occurs during the boring operations.

E6629-008: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Windham Township, **Wyoming County**, ACOE Baltimore District. This project was mistakenly published in the *PA Bulletin* on August 4, 2012 with the wrong permit number as E6629-007. All the other information published was correct.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2

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

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

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

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX12-015-0161
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Pkwy E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Herrick Township
Receiving Stream(s) and Classification(s) UNT's Cold Creek (WWF)

ESCGP-1 # ESX11-015-0144 (04)
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 and Warren Townships
Receiving Stream(s) and Classification(s) Ross Creek (WWF/MF), Gaylord Creek (CWF/MF), Southwick Creek (WWF/MF), Wappasening Creek (CWF/MF)

ESCGP-1 # ESX12-081-0102
Applicant Name XTO Energy, Inc.
Contact Person Stacey Vehovic
Address 395 Airport Road
City, State, Zip Indiana, PA 15701
County Lycoming County
Township(s) Moreland Township
Receiving Stream(s) and Classification(s) UNT to Little Sugar Run (CWF)/Susquehanna River;
Secondary: Sugar Run (CWF)

ESCGP-1 # ESX12-115-0134
Applicant Name Cabot Oil & Gas Corp.
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Gibson Township
Receiving Stream(s) and Classification(s) Butler Creek to Tunkhannock (CWF/MF)

ESCGP-1 # ESX12-015-0148
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Orwell Township
Receiving Stream(s) and Classification(s) Beaver Creek (a trib. to Wysox Creek) (CWF/MF)

ESCGP-1 # ESX12-015-0121
Applicant Name Dave Sweeley
Contact Person Southwestern Energy Production Company
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Bradford County
Township(s) Stevens Township
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek (WWF);
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESG12-115-0057
Applicant Name Bluestone Pipeline Company of Pennsylvania, LLC
Contact Person Chris Zona
Address One Energy Plaza WCB 2084
City, State, Zip Detroit, MI 48266
County Susquehanna County
Township(s) Lenox Township
Receiving Stream(s) and Classification(s) Trib to Millard Creek, Tunkhannock River Basin;
Secondary: Millard Creek (other)

ESCGP-1 # ESX12-081-0100
Applicant Name Range Resources—Appalachia, LLC
Contact Person Mary C. Patton
Address 100 Throckmorton Street, Suite 1200
City, State, Zip Ft. Worth, TX 76102
County Lycoming County
Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) Hoagland Run, UNT to Little Gap Run (Both HQ/CWF);
Secondary: Lycoming Creek

ESCGP-1 # ESX12-081-0103
Applicant Name Anadarko Marcellus Midstream, LLC
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) Bull Run, Gamble Run (HQ)

ESCGP-1 # ESX10-115-0076 (01)
Applicant Name Cabot Oil & Gas Corp.
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Gibson Township
Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF/MF);
Secondary: UNT to Meshoppen Creek

ESCGP-1 # ESX12-035-0014
Applicant Name Anadarko Marcellus Midstream, LLC
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Clinton County
Township(s) Beech Creek and Noyes Townships

Receiving Stream(s) and Classification(s) Middle Branch Big Run, Coon Run, Swamp Branch, East Branch Big Run, (All EV/MF), Tarklin Branch (HQ-CWF), Hastings Branch and Rock Run (Both HQ-CWF/MF)

ESCGP-1 # ESX12-081-0063

Applicant Name Anadarko E&P Company, LP

Contact Person Rane A. Wilson

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) McHenry Township

Receiving Stream(s) and Classification(s) UNT Second Big Fork, Second Big Fork (Both HQ-CWF/MF);

Secondary: Second Big Fork, Trout Run (Both HQ-CWF/MF)

ESCGP-1 # ESX12-015-0154

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Monroe Township

Receiving Stream(s) and Classification(s) Satterlee Run,

Tributaries to Satterlee Run, Tributary to South Branch Towanda Creek, Tributary to Ladds Creek (All CWF/MF)

ESCGP-1 # ESX12-115-0039 (01)

Applicant Name Williams Field Services, LLC

Contact Person Kristy Flavin

Address 1605 Coraopolis Heights Road

City, State, Zip Moon Township, PA 15109-4310

County Susquehanna County

Township(s) Springville and Lathrop Townships

Receiving Stream(s) and Classification(s) Pond Brook,

Trib 28923 to Field Brook, Trib 28924 to Field Brook, East Branch to Field Brook, Field Brook, Trib 28922 to Field Brook, Monroe Creek, Trib 28914 to Monroe Creek, Trib. 28921 to Field Brook, Trib 28912 to Monrow Creek (All CWF/MF)

ESCGP-1 # ESX12-115-0097

Applicant Name Cabot Oil & Gas Corp.

Contact Person Kenneth Marcum

Address Five Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna County

Township(s) Dimock Township

Receiving Stream(s) and Classification(s) UNT to Meshopen Creek (CWF)

ESCGP-1 # ESX12-081-081

Applicant Name EXCO Resources (PA), LLC

Contact Person Brian E. Rushe

Address 3000 Ericsson Drive, Suite 200

City, State, Zip Warrendale, PA 15086

County Lycoming County

Township(s) Penn Township

Receiving Stream(s) and Classification(s) Sugar Run, UNT to Sugar Run (Both CWF);

Secondary: Muncy Creek (CWF)

ESCGP-1 # ESX12-081-0091

Applicant Name Inflection Energy, LLC

Contact Person Carla Suszkowski

Address 1000 Town Center Blvd. Suite 230

City, State, Zip Canonsburg, PA 15317

County Lycoming County

Township(s) Fairfield and Muncy Townships

Receiving Stream(s) and Classification(s) UNT's to Margaret Run, Twin Run (Both WWF); Muncy-Chillis-

quaue Creeks Watershed;

Secondary: Margaret Run and West Branch Susquehanna River (WWF)

ESCGP-1 # ESX12-115-0108

Applicant Name PVR NEPA Gas Gathering, LLC

Contact Person Nicholas J. Bryan

Address 100 Penn Tower, Suite 201-202, 25 W. Third Street

City, State, Zip Williamsport, PA 17701

County Susquehanna County

Township(s) Lenox, Lathrop and Hop Bottom Townships

Receiving Stream(s) and Classification(s) UNT to Martin Creek, Martin Creek and Willow Brook (All CWF/MF)

ESCGP-1 # ESX12-115-0130

Applicant Name Susquehanna Gathering Company 1, LLC

Contact Person John Miller

Address 1299 Oliver Road, P. O. Box 839

City, State, Zip New Milford, PA 18834

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) UNT Salt Lick Creek (HQ)

ESCGP-1 # ESX12-015-0165

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford County

Township(s) Overton Township

Receiving Stream(s) and Classification(s) UNT to Level

Branch Lick Creek, Trib to Loyalsock Creek, and Black Creek, Trib to Little Loyalsock Creek;

Secondary: Loyalsock Creek, Little Loyalsock Creek

ESCGP-1 # ESX12-015-0162

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 and Warren Townships

Receiving Stream(s) and Classification(s) Pendleton Creek (CWF, MF)

ESCGP-1 # ESX12-131-0019

Applicant Name Chief Oil & Gas, LLC

Contact Person Jeffrey Deegan

Address 6051 Wallace Road Ext., Suite 300

City, State, Zip Wexford, PA 15090

County Wyoming County

Township(s) Lemon Township

Receiving Stream(s) and Classification(s) Meade Brook (CWF, MF);

Secondary: Billings Mill Brook (CWF, MF)

ESCGP-1 # ESX12-081-0101

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Mifflin Township

Receiving Stream(s) and Classification(s) Little Harbor

Run, Little Sandy Hollow & Spook Hollow (All EV, MF);

Secondary: Second Fork Larry's Creek & Larry's Creek (Both EV, MF)

ESCGP-1 # ESG12-115-0095

Applicant Name Bluestone Pipeline Company of Pennsylvania, LLC

Contact Person Chris Zona

Address One Energy Plaza WCB 2084

City, State, Zip Detroit, MI 48266

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) UNT to Wellman's Creek;

Secondary: Wellman's Creek Trib to Salt Lick Creek (EV/Other)

ESCGP-1 # ESX12-117-0066

Applicant Name Shell Appalachia—SWEPI LP

Contact Person H. James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga County

Township(s) Liberty Township

Receiving Stream(s) and Classification(s) Salt Spring Run to Roaring Branch to Lycoming Creek (HQ)

ESCGP-1 # ESX12-117-0070

Applicant Name SWEPI LP

Contact Person H. James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga County

Township(s) Charleston Township

Receiving Stream(s) and Classification(s) Trib to Hills Creek (HQ-CWF, MF)

Southwest Region: Oil & Gas Program Mgr: 400 Waterfront Dr. Pittsburgh PA

4/13/12

ESCGP-1 No.: ESG12-059-0003

Applicant Name: EQT GATHERING LLC

Contact Person MS HANNA MCCOY

Address: 625 LIBERTY AVENUE SUITE 1700

City: PITTSBURGH State: PA Zip Code: 15222

County: GREENE Township: MORRIS AND WASHINGTON

Receiving Stream (s) And Classifications: UNT TO BATES FORK CREEK, BATES FORK CREEK, TENMILE CREEK WATERSHED; HQ

5/30/12

ESCGP-1 No.: ESX12-059-0028

Applicant Name: EQT GATHERING LLC

Contact Person: MS HANNA E MCCOY

Address: 625 LIBERTY AVENUE SUITE 1700

City: PITTSBURGH State: PA Zip Code: 15222

County: GREENE Township(s): CENTER

Receiving Stream(s) and Classifications: UNT TO WEST RUN, WEST RUN, LIGHTNER RUN, UNT TO BROWN'S CREEK; HQ

7/6/12

ESCGP-1 No.: ESX11-051-0031 MAJOR REVISION

Applicant Name: CHEVRON APPALACHIA LLC

Contact Person: JEREMY HIRTZ

Address: 800 MOUNTAIN VIEW DRIVE

City: SMITHFIELD State: PA Zip Code: 15478

County: FAYETTE Township(s): REDSTONE

Receiving Stream(s) and Classifications: ROWES RUN (WWF) / MIDDLE MONONGAHELA RIVER WATERSHED; OTHER

6/5/12

ESCGP-1 No.: ESX12-129-0017

Applicant Name: MOUNTAIN GATHERING LLC

Contact Person: MR DEWEY CHALOS

Address: 810 HOUSTON STREET

City: FORT WORTH State: TX Zip Code: 76102

County: WESTMORELAND Township(s): LOYALHANNA

Receiving Stream(s) and Classifications: UNTs TO LOYALHANNA CREEK / LOYALHANNA CREEK WATERSHED; OTHER

7/3/12

ESCGP-1 No.: ESX12-003-0007

Applicant Name: EQT PRODUCTION COMPANY

Contact Person: MR TODD KLANER

Address: 455 RACETRACK ROAD SUITE 101

City: WASHINGTON State: PA Zip Code: 15301

County ALLEGHENY Township(s): FORWARD

Receiving Stream(s) and Classifications: UNT TO KELLY RUN & KELLY RUN; OTHER—UNT TO KELLY RUN & KELLY RUN DESIGNATED USE IS A WWF

ESCGP-1 No.: ESX12-005-0013

Applicant Name: EQT PRODUCTION COMPANY

Contact Person: MR TODD KLANER

Address: 455 RACETRACK ROAD SUITE 101

City: WASHINGTON State: PA Zip Code: 15301

County: ARMSTRONG Township(s): BURRELL

Receiving Stream(s) and Classifications: UNT TO CROOKED CREEK (WWF); OTHER

7/3/12

ESCGP-1 No.: ESX12-005-0012

Applicant Name: EQT PRODUCTION COMPANY

Contact Person: MR TODD KLANER

Address: 455 RACETRACK ROAD SUITE 101

City: WASHINGTON State: PA Zip Code 15301

County: ARMSTRONG Township(s): BURRELL

Receiving Stream(s) and Classifications: UNT CROOKED CREEK (WWF); OTHER

7/10/12

ESCGP-1 No.: ESX12-059-0035

Applicant Name: CHESAPEAKE APPALACHIA LLC

Contact Person: MR ERIC HASKINS

Address: 101 NORTH MAIN STREET

City: ATHENS State: PA Zip Code: 18810

County: GREENE Township(s): ALEPPO

Receiving Stream(s) and Classifications: RECEIVING WATER/WATERSHED NAME-1. HEWITT RUN (TSF)/ WHEELING CREEK 2. UNT TO MUDLICK FORK (TSF)/WHEELING CREEK 3. CHAMBERS RUN (TSF)/ WHEELING CREEK; OTHER

7/5/12

ESCGP-1 No.: ESX12-125-0083

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: MR GLENN D TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): JEFFERSON

Receiving Stream(s) and Classifications: UNT TO SCOTT RUN AND SCOTT RUN / RACCOON CREEK WATERSHED; OTHER

6/14/12

ESCGP-1 NO.: ESX12-125-0073

Applicant Name: RANGE RESOURCES APPALACHIA LLC

CONTACT PERSON: MR GLENN D TRUZZI

ADDRESS: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): INDEPENDENCE
Receiving Stream(s) and Classifications: UNT TO
SUGARCAMP RUN (HQ-WWF), BRASHEAR RUN
(HQ-WWF), AND INDIAN CAMP RUN (HQ-WWF)/
WHEELING-BUFFALO CREEKS WATERSHED;HQ

4/25/12

ESCGP-1 NO.: ESX12-129-0012

Applicant Name: CHEVRON APPALACHIA LLC

CONTACT: MR JEREMY HIRTZ

ADDRESS: 800 MOUNTAIN VIEW DRIVE

City: SMITHFIELD State: PA Zip Code: 15478

County: WESTMORELAND Township(s): SEWICKLEY
Receiving Stream(s) and Classifications: SEWICKLEY
CREEK (WWF) / LOWER YOUGHIOGHENY RIVER
WATERSHED; OTHER

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Southwest Region: Waste Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222

The Department of Environmental Protection (Department) approved the Indiana County Municipal Waste Management Plan Revision on August 6, 2012.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa. C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Lawrence Holley, Environmental Program Manager, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Sharon Svitek, Regional Recycling and Planning Supervisor, Bureau of Waste Management at the previous Regional Office.

SAFE DRINKING WATER SOURCE WATER PROTECTION

Approval taken under the Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Source Water (Watershed) Protection Program Approval issued to: **Pennsylvania American Water Company Norristown**, 300 West Washington Street, Norristown, PWSID 1460046, Norristown Borough, **Montgomery County** on July 30, 2012,

Source Water (Watershed) Protection Program Approval issued to: **Pennsylvania American Water Company Home Water and Merlin Hills**, 300 West Washington Street, Norristown, PWSID 1150170, East Vincent Township, Montgomery County on July 30, 2012.

General Permit for Short-Term Construction Projects

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

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

66111001 and NPDES Permit No. PA0225151. Meshoppen Stone, Inc., (PO Box 127, Meshoppen, PA 18630) authorization to extract stone in Eaton Township, **Wyoming County** to construct facilities related to the BP Mehoopany Wind Farm and NPDES Permit for discharge of treated mine drainage in Eaton Township, Wyoming County affecting 5.0 acres, receiving stream: Newton Run Creek, classified for the following use: HQ-cold water fishery. Application received: November 7, 2011. Authorization approved: August 8, 2012.

Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Impaired Streams of the Laurel Hill Creek Watershed in Somerset County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the impaired streams Laurel Hill Creek Watershed in Somerset County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by agricultural activities. There currently are no state or federal instream numerical water quality criteria for sediment and total phosphorus. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings within specifically impaired streams of the Laurel Hill Creek Watershed. The loading was allocated among the land uses of cropland, hay/pasture land, transitional land, and associated stream bank present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL Based Load Reductions in Laurel Hill Creek

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	12,415,286.1	34,014.5	10,401,093.0	28,496.1	16%
Phosphorus	3,483.5	9.5	2,575.8	7.1	26%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 772-5670, salexander@pa.gov.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for Sediment-impaired Streams of the Slate Lick Run Watershed in Cambria County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the

sediment-impaired streams Slate Lick Run Watershed in Cambria County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation. There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment within specifically impaired streams of the Slate Lick Run Creek Watershed. The sediment loading was allocated among the land uses of cropland, hay/pasture land, transitional land, and associated stream bank present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL Based Load Reductions in Slate Lick Run

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	5,265,521.8	14,426.1	3,118,654.8	8,544.3	41%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 772-5670, salexander@pa.gov.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 12-1643. Filed for public inspection August 24, 2012, 9:00 a.m.]

Bid Opportunity

OSM 35(3752)102.1, Abandoned Mine Reclamation Project, North Eynon, Archibald Borough, Lackawanna County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 233,260 cubic yards; drainage excavation 8,675 cubic yards; rock lining 6,170 cubic yards; and seeding 25 acres. This bid issues on August 24, 2012, and bids will be opened on September 18, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1644. Filed for public inspection August 24, 2012, 9:00 a.m.]

Bid Opportunity

OSM 40(2240)101.1, Abandoned Mine Reclamation Project, Mill Creek, Plains Township, Luzerne County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 23,590 cubic yards; drainage excavation 7,740 cubic yards; rock lining 8,550 cubic yards; and seeding 5.6 acres. This bid issues on August 24, 2012, and bids will be opened on September 18, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1645. Filed for public inspection August 24, 2012, 9:00 a.m.]

Bid Opportunity

OSM 49(3237)101.1, Abandoned Mine Reclamation Project, Boyer's Knob Lookout, Coal Township, Northumberland County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 497,750 cubic yards; drainage excavation 5,450 cubic yards; rock lining 3,730 cubic yards; and seeding 82.5 acres. This bid issues on August 24, 2012, and bids will be opened on September 20, 2012, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1646. Filed for public inspection August 24, 2012, 9:00 a.m.]

Solicitation of Interest for Municipal Waste Disposal Capacity

Blair County, in Southcentral Pennsylvania, is updating its County Municipal Waste Management Plan in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. §§ 4000.101—4000.1904). As required in the act, Blair County has prepared a Solicitation of Interest (SOI) for the purpose of obtaining 10-year commitments (July 1, 2013, through June 30, 2023) for disposal capacity for the municipal waste (MSW) generated within Blair County during that period. The waste facilities to be considered in the County Plan Update must be

permitted and fully available for use prior to July 1, 2013. Transfer stations handling MSW from Blair County during this time period should also visit the following web site to find submission requirements, to be including in the Blair County Plan Update. Further SOI details can be found at <http://bartonandloguidice.com/ProjectWebsites/BlairCountyPAMunicipalWasteManagementPlan/tabid/1107/Default.aspx>.

To obtain a hard copy or electronic copy of the SOI, contact Terry Keene, P.E., Barton & Loguidice, 1104 Fernwood Avenue, Suite 501, Camp Hill, PA 17011 or Terry Keene, P.E. at tkeene@bartonandloguidice.com. Submittals are due to the previously listed address no later than 4 p.m. on Monday September 24, 2012.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1647. Filed for public inspection August 24, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Division of Safety Inspection; Request for Exceptions

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements for compliance with minimum standards contained in the following publication: NFPA 101, 2000 Edition.

The following hospital facility is specifically seeking an exception to 28 Pa. Code § 153.1(c) (relating to minimum standards), section 19.2.3.3 (relating to capacity of means of egress):

Lancaster General Hospital
555 North Duke Street
Lancaster, PA 17604
ID No: 120801

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 203.1 (relating to application of the Life Safety Code), section 18.3.2.6 (relating to cooking facilities):

Chapel Pointe At Carlisle
770 South Hanover Street
Carlisle, PA 17013
ID No: 010602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 203.1, section 19.2.3.3 (relating to capacity of means of egress):

Phoebe Allentown Health Care Center
1925 Turner Street
Allentown, PA 18104
ID No: 161302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 203.1, sections 19.2.3.3 and 19.7.5.4 (relating to capacity of means of egress; and furnishings, bedding and decorations):

Garvey Manor
1037 South Logan Boulevard
Hollidaysburg, PA 16648
ID No: 070202

These requests are on file with the Department. Persons may receive a copy of the request for exception by

requesting a copy from the Department of Health, Division of Safety Inspection, 2150 Herr Street, 1st Floor, Suite A, Harrisburg, PA 17103, (717) 787-1911, fax (717) 787-1491, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Safety Inspection at (717) 787-1911, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1648. Filed for public inspection August 24, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Twining Hall
280 Middle Holland Road
Holland, PA 18966
FAC ID 071202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

Rest Haven—York
1050 South George Street
York, PA 17403

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Renaissance Gardens at Ann's Choice, Inc.
16000 Ann's Choice Way
Warminster, PA 18974
FAC ID 18860201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(b).

Beaver Elder Care and Rehabilitation Center
616 Golf Course Road
Aliquippa, PA 15001

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Passavant Retirement and Health Center
401 South Main Street
Zelienople, PA 16063

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facil-

ities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1649. Filed for public inspection August 24, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, September 20, 2012, at 10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for Uniform Construction Code Review and Advisory Council.

Questions concerning this notice may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 12-1650. Filed for public inspection August 24, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Old City Civic Association, Philadelphia, PA.

Old City Civic Association is seeking to lease highway right-of-way located at the intersection of North 2nd and Vine Streets, Philadelphia, PA 19106, estimated 15,657.5228 square feet/hectares ±, adjacent to LR 1000, Sections B 4 R/W for purposes of a playground.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambricht.

Questions regarding this application or the proposed use may be directed to Mary C. Lambricht, Real Estate Specialist, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-1651. Filed for public inspection August 24, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Correction; October 2012

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

By notice at 42 Pa.B. 4672 (July 21, 2012), the Commission solicited public comments concerning proposed changes to its list of wild trout streams to be considered at its October 1 and 2, 2012, meeting. Specifically, the Commission sought public comments regarding the addition of 14 streams or portions of streams to the wild trout streams list. Among these streams was Big Spring Run, Westmoreland County, from the headwaters to Big Spring Reservoir. The Commission, however, previously designated Big Spring Run as a wild trout stream from the headwaters to the mouth. Therefore, the Commission now proposes only to adjust the limits of the wild trout stream designation.

Persons with comments, objections or suggestions concerning the adjustment may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the com-

ments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-1652. Filed for public inspection August 24, 2012, 9:00 a.m.]

Proposed Special Regulation Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on October 1 and 2, 2012, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective on January 1, 2013:

58 Pa. Code § 65.10. Early Season Trout Stocked Waters Program

The Commission will consider removing the following waters from the Early Season Trout Stocked Waters Program regulated and managed under 58 Pa. Code § 65.10:

County	Water
Allegheny	North Park Lake
Beaver	Bradys Run Lake
Beaver	Raccoon Lake (Main Lake)
Blair	Canoe Creek Lake
Butler	Harbar Acres Lake
Cambria	Duman Lake
Cambria	Lake Rowena
Cameron	George B Stevenson Reservoir
Clinton	Kettle Creek Lake
Columbia	Briar Creek Lake
Erie	East Basin Pond
Erie	Upper Gravel Pit
Erie	West Basin Pond
Erie	Lake Pleasant
Fayette	Dunlap Creek Lake
Fayette	Virgin Run Lake
Fayette/Somerset	Youghiogheny River
Fulton	Cowans Gap Lake

<i>County</i>	<i>Water</i>	<i>County</i>	<i>Water</i>
Jefferson	Cloe Lake	Cameron	George B Stevenson Reservoir
Lackawanna	Lackawanna Lake	Clinton	Kettle Creek Lake
Lawrence	Bessemer Lake	Columbia	Briar Creek Lake
Luzerne	Lake Took A While	Fayette	Dunlap Creek Lake
Luzerne	Lily Lake	Fayette	Virgin Run Lake
Luzerne	Moon Lake	Fayette/Somerset	Youghiogheny River
Luzerne	Lake Irena	Fulton	Cowans Gap Lake
Lycoming	Little Pine Lake	Lackawanna	Lackawanna Lake
McKean	Bradford City Number Three Reservoir	Luzerne	Lily Lake
Mercer	Shenango River	Lycoming	Little Pine Lake
Monroe	Hidden Lake	Monroe	Hidden Lake
Potter	Lyman Run Reservoir	Potter	Lyman Run Reservoir
Somerset	Laurel Hill Lake	Somerset	Laurel Hill Lake
Sullivan	Hunters Lake	Sullivan	Hunters Lake
Susquehanna	Quaker Lake	Tioga	Beechwood Lake
Tioga	Beechwood Lake	Tioga	Hamilton Lake
Tioga	Hamilton Lake	Venango	Two Mile Run Reservoir (Justus Lake)
Venango	Two Mile Run Reservoir (Justus Lake)	Washington	Canonsburg Lake
Warren	Chapman Dam Reservoir	Westmoreland	Northmoreland Lake
Washington	Canonsburg Lake	Westmoreland	Donegal Lake
Wayne	Upper Woods Pond	Westmoreland	Keystone Lake
Westmoreland	Northmoreland Lake	Westmoreland	Twin Lakes Number One Reservoir
Westmoreland	Donegal Lake	Westmoreland	Twin Lakes Number Two Reservoir
Westmoreland	Keystone Lake	Westmoreland	Mammoth Lake
Westmoreland	Twin Lakes Number One Reservoir		
Westmoreland	Twin Lakes Number Two Reservoir		
Westmoreland	Mammoth Lake		

58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing

The Commission will consider adding the following waters to its list of Approved Trout Waters Open to Year-Round Fishing regulated and managed under 58 Pa. Code § 65.19:

<i>County</i>	<i>Water</i>
Allegheny	North Park Lake
Beaver	Raccoon Lake (Main Lake)
Blair	Canoe Creek Lake
Cambria	Duman Lake
Cambria	Lake Rowena

At this time, the Commission is soliciting public input concerning the previously listed designations and redesignations. Persons with comments, objections or suggestions concerning the designations and redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-1653. Filed for public inspection August 24, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-277	Pennsylvania Public Utility Commission Meter Location 42 Pa.B. 3454 (June 16, 2012)	7/16/12	8/15/12

**Pennsylvania Public Utility Commission
Regulation #57-277 (IRRC #2950)**

Meter Location

August 15, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the June 16, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General comments regarding: Determining whether the regulation is in the public interest; Economic or fiscal impacts; Protection of the public health, safety and welfare; Possible conflict with or duplication of statutes or existing regulations; Need for the regulation; Implementation procedures.

Possible conflict with or duplication of statutes or existing regulations

The PUC's existing regulation states:

§ 59.33. Safety.

(a) *Responsibility.* Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to reason of its equipment and facilities.

(b) *Safety code.* The minimum safety standards for all gas transmission and distribution facilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. § § 60101—60503 and as implemented at 49 CFR Parts 191—193 and 199, including all subsequent amendments thereto future Federal amendments to 49 CFR Parts 191—193 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the [PUC's] regulations with regard to the minimum safety standards for all gas transmission and distribution facilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the [PUC] publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

(c) *Enforcement.* Each public utility shall be subject to inspections as may be necessary to assure compliance with this section. The facilities, books and records of each public utility shall be accessible to the [PUC] and its staff for the inspections. Each public utility shall provide the [PUC] or its staff the reports, supplemental data and information as it shall from

time to time request in the administration and enforcement of this section.

(d) *Records.* Each public utility shall keep adequate records as required for compliance with the code in subsection (b). The records shall be accessible to the [PUC] and its staff.

In its Preamble, the PUC states that “. . . it is noteworthy, that *the [PUC's] only regulation* governing gas meter location reads: 52 Pa. Code 59.18. Location of meters . . .” (Emphasis added.) However, the Preamble goes on to quote 49 CFR 192.353—Customer meters and regulators: Location which the PUC adopted under existing Section 59.33(b). Accordingly, Section 59.18 is not the only regulation governing gas meter and regulator location. In its existing regulation, the PUC established in Section 59.33 that the Code of Federal Regulations (CFR) and its subsequent amendments effectively supersede the PUC's regulations, in that amendments to the CFR “shall have the effect of amending or modifying the [PUC's] regulations,” and the CFR addresses meter and regulator location.

Among the criteria the Independent Regulatory Review Commission (IRRC) must consider in determining whether a regulation is in the public interest is the criterion of “possible conflict with or duplication of statutes or existing regulations.” 71 P. S. § 745.5b(b)(3)(i). We find that, if adopted as proposed, this regulation would substantially duplicate the PUC's existing regulation at Section 59.33(b) and further, would possibly conflict with the CFR which the PUC adopted by regulation. Furthermore, under Section 59.33(b), amendment to the CFR “. . . shall have the effect of amending or modifying the [PUC's] regulations . . .” This provision raises the possibility of conflict between the proposed Section 59.18 and the existing Section 59.33(b).

We strongly recommend that the PUC review the entirety of its existing regulations in conjunction with the adopted CFRs prior to submitting a final regulation and provide a detailed explanation demonstrating that the final regulation does not duplicate or conflict with existing regulations. If the final regulation contains similar provisions found in the CFRs, the PUC should explain why the proposed amendment is needed, viable and not duplicative. If the final regulation does not contain similar provisions found in the CFRs, the PUC should explain how these mandates support the PUC's stated intent to make Pennsylvania's regulations consistent with federal regulations. The PUC should also explain how these mandates reconcile with the PUC's statement that “the proposed amended language imposes no additional regulatory requirements upon natural gas distribution companies (NGDCs) that these utilities are not already subject to under the federal regulations.”

Protection of the public health, safety and welfare

The PUC's Preamble states:

[A]s much of Pennsylvania's natural gas infrastructure is aging and a number of gas utilities are in the process of embarking on significant infrastructure replacement initiatives, it is an opportune time to assess the meter relocation policy to enable gas utilities to more efficiently address this issue in the context of these programs and to ensure safe and reliable service.

The PUC identifies several safety problems in the Preamble, including:

- Gas distribution utilities reported more than 4,000 leaks occurring on inside meter sets over a five-year period.

- There have been 65 reportable incidents over the past 40 years.

- Several of the utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building, which prevents access. This is troubling for the PUC because the state and federal regulations require leak surveys up to the meter. The PUC states that by not having access to the meter sets, NGDCs cannot comply with the state and federal regulations and cannot detect inside leaks.

- The state has experienced several gas explosions related to steel service lines being struck and pulled up from their stable position and subsequently pulling the service line from the inside meter set. According to the PUC, plastic service lines with inside meter sets do not pull away since the excavation equipment usually severs the line immediately after being struck. The PUC states that the combination of steel service lines and inside meter sets is a high-risk factor for natural gas incidents.

- The Pennsylvania natural gas industry has approximately 27 percent of all meter sets located inside of residential dwellings. The PUC states that this average has been consistent over the last five years.

According to the PUC, these safety issues need to be resolved so that the public is provided with safe and reliable service; however, the proposed regulation seems to address only a portion of the identified safety concerns. The proposed regulation includes only meter and regulator location; the proposed regulation does not address several of the other safety concerns identified by the PUC. Specifically, while the proposed regulation still allows inside meters, it does not address:

- Access to inside meters so that gas companies can comply with state and federal regulations that require leak surveys up to the meter. It appears that regulations may be needed for coordination of access between customers with inside meters and the gas utilities so that the required safety testing can be accomplished.

- Plastic service lines which the PUC implies may be safer than steel based on the statement that the combination of steel service line and inside meter set is a high-risk factor for natural gas incidents.

- The use of excess flow valves as a safety device.

The PUC should either revise the final regulation to address these other safety concerns, or explain why the regulation does not address these other safety concerns identified by the PUC.

Determining whether the regulation is in the public interest; Economic or fiscal impacts; Implementation procedures

Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria including economic impact and implementation procedures. To make that determination, IRRC must analyze the PUC's existing regulations, the text of the Preamble, the proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the Regulatory Review Act (71 P. S. § 745.5(a)) in the Regulatory Analysis Form (RAF). Several statements in the Preamble and RAF need to be explained further, reconciled or amended. We offer the following:

- The PUC states in its response to RAF questions 10 and 21 that the proposed regulation amends existing regulations to be "consistent with the federal regulations that the [PUC] has already adopted." However, in comparing the amended language to the adopted federal regulations, commentators stated that the proposed regulation establishes some rules that have no counterpart in the federal regulations, such as § 59.18 (a)(1)—(2), which contradicts the PUC's stated intent.

- The PUC states in the Preamble that "the [PUC] has adopted provisions of the [CFR], which address the safety issues related to meter set location and installation and thus are *in conflict* with the existing Pennsylvania regulations." (Emphasis added.) In response to RAF question 10, the PUC does not support this statement by explaining which provisions of state and federal provisions are inconsistent, or how the PUC's regulations could conflict, given Section 59.33 of the PUC's regulations.

- We question the PUC's responses in the RAF to questions 12 and 17 regarding adverse effects and the fiscal impact of the rulemaking. The PUC states that "no person or entity will be adversely affected by the regulations." The PUC further states, "The costs associated . . . are not costs in addition to already budgeted projects." However, public commentators stated that several of the proposed mandates may lead to increased costs due to the elimination of NGDCs flexibility and discretion. We also received numerous comments from preservation/neighborhood associations and individual homeowners commenting that the proposed regulation would fail to sufficiently protect historic resources and neighborhoods from adverse effects caused by inappropriate meter installations. The PUC should ensure that its responses in the final regulation's RAF adequately address who and how many people—including homeowners—will be adversely affected by the additional regulatory requirements, as well as the economic or fiscal impact of these mandates.

- In the Preamble, the PUC states, "There are several alternatives . . . to relocating and replacement of inside meter sets and steel service lines. One alternative is to retrofit existing service lines with Excess Flow Valves." Again in the Preamble, the PUC states, "The proposed amended language also provides for alternatives to relocating inside meter sets outside. These alternatives include installation of an Excess Flow Valve . . ." However, we do not see excess flow valves offered in the proposed regulatory language as an alternative to meter set relocation. We also note that when asked, in question 20 of the RAF, what alternative regulatory provisions have been considered, the PUC responded that this question was not

applicable. If the PUC chooses to proceed with the rulemaking, the PUC should make appropriate revisions in the final regulation and/or its applicable responses to the RAF to address excess flow valves as alternatives to relocating inside meter sets outside.

- The PUC states in the Preamble that “the proposed amended language imposes no additional regulatory requirements upon NGDCs that these utilities are not already subject to under federal regulations.” However, based on public comment, the proposed regulation does create additional regulatory requirements that exceed federal requirements and removes the NGDC’s use of discretion.

These inconsistencies and contradictions make it difficult to determine the PUC’s intent, and raise questions as to whether the regulation is in the public interest. We recommend that the PUC review and revise its Preamble and responses in the RAF prior to submitting a final regulation in order to clearly establish and support this rulemaking’s intent.

Need for the regulation

In the PUC’s statement of need in response to RAF question 10, the PUC states it “is concerned about the number of reportable incidents resulting, *at least partially*, from locating meters and regulators inside structures.” (Emphasis added.) In support of the proposed regulation, the PUC provides statistics showing that the NGDCs’ reportable incident rate has averaged about two incidents per year over a 40-year period. While we support the PUC’s efforts to increase public safety, the PUC’s explanations have not established a direct link between reportable incidents and leaks at inside meters. For example, were all of the reportable incidents caused by leaks at inside meters, or could some of the reportable incidents have resulted from a leak in the service line *outside* of the house (i.e., the leak was outside but the gas entered the basement, leading to the incident)? Without establishing these direct links, it cannot be determined whether the regulation adequately addresses past safety concerns. Before substantial investments are made by the utilities, the PUC should explain and support how the amendments will directly address the reportable incidents and will avoid future reportable incidents.

Process to reach consensus

We are very concerned by the PUC’s response to RAF question 19, which states that “there was no input from the public in the development and drafting of this regulation.” We received numerous public comments from a broad spectrum of entities affected by the proposed regulation including legislators, gas utilities, homeowners and historic preservation organizations. These commentators raise many valid concerns that it appears the PUC had not considered prior to submitting the proposed regulation. Why didn’t the PUC convene a stakeholders group prior to developing this proposed regulation?

Based on issues raised in public comments and by the Pennsylvania Historical and Museum Commission (PHMC), we question whether the PUC has adequately considered the proposed regulation’s impact on homeowners and communities with historic character, an asset which these communities consider to be an essential component of their community. Did the PUC take into consideration that municipalities may have long-standing local preservation programs often supported by ordinances to ensure that the historic characteristics of their communities are maintained?

We also received substantive comments from gas utilities, including the following:

- The proposed regulation will impose additional requirements beyond the CFR previously adopted by the PUC.
- The modifications eliminate utility discretion and flexibility without articulating a basis for the mandates and without consideration of the limited situations where the proposed requirements would be impractical and result in increased costs.
- The exceptions for historic districts and high-risk vandalism districts are not sufficiently clear.
- The proposed revision to require all inside regulators connected to steel service lines to be relocated to the outside by December 31, 2020, is contrary to the stated intent of the [PUC] to provide ten years to accomplish relocation and, moreover, is an arbitrary deadline.
- Contrary to the PUC’s statements, the proposed regulation does not implement provisions for excess flow valves.
- There are also concerns with the details of cost allocations when a meter was originally installed by the utility in a safe location, but the customer created the need to relocate the meter by an action such as remodeling a basement in a way that the meter no longer meets safety requirements.

The PUC should explain in the Preamble how the final regulation takes into consideration the impact of the location of meters and regulators on NGDCs, homeowners, communities, Pennsylvania’s historic resources and local preservation programs.

For the above reasons, we recommend that the PUC withdraw this regulation. If the PUC does not withdraw the regulation, we recommend that it conduct stakeholder meetings with gas utilities and commentators, including those with knowledge of ordinances regulating historic properties. Based on this input, the PUC can develop safety requirements for the appropriate placement of gas meter sets which afford NGDCs discretion and flexibility while maximizing protection of both the public and Pennsylvania’s historic properties. Additionally, we strongly recommend that the PUC publish an advance notice of final rulemaking to allow the public and standing committees the opportunity to review any revisions that the PUC makes to the regulatory language before submittal of a final-form regulation. We also recommend that the PUC consider the following specific comments in development of a final regulation.

2. Section 59.18 (a)(1).—Economic or fiscal impacts; Reasonableness of requirements; Clarity and lack of ambiguity; Implementation procedures.

This provision requires that “[*w*]hen practical, a building may not have more than one service line. The service line *must* terminate in the building in which the service line enters.” (Emphasis added.) We have two concerns.

The first sentence is ambiguous and the phrase “when practical” is subjective. For example, would this determination be based on physical circumstances or cost considerations, and what are the limits of these considerations? The regulation should specify the circumstances that would allow for an exception to this requirement.

The second sentence appears to be a separate requirement from the first sentence. If these requirements are retained, it would be clearer to state them as two separate requirements.

3. Section 59.18 (a)(3).—Clarity; Reasonableness of requirements; Implementation procedures.

This provision states, “An outside, aboveground meter location must be used when availability of space and other conditions permit.” Commentators raise concerns regarding who makes this determination and by what standard. It is not clear what meets the standard of “availability of space” or what “other conditions” must be considered. Also, should a property owner have the opportunity to participate in selecting or disputing an alternative location determined by the gas utility based on the homeowner’s experience in the residence and neighborhood? The final regulation should clarify these issues.

4. Section 59.18 (a)(4).—Clarity; Reasonableness of requirements; Implementation procedures.

This provision requires that an NGDC consider a specific list of “potential damage by outside forces” when selecting a meter or service regulator location. We have five concerns.

First, Paragraph (4) is vague. It would appear that in virtually every threat identified under Paragraph (4) there is a “potential” for damage. The regulation is not clear regarding what due diligence on the part of the utility would meet the standard to “consider potential damage.” The PUC should specify how an NGDC would meet the requirements of this provision.

Second, under Subparagraph (4)(i), commentators have provided photographs and news articles demonstrating how meters in front of houses could be damaged by vehicles. Some commentators state that meters may be safer in basements than in front of a house where they could be hit by a vehicle. How is the utility to evaluate these circumstances?

Third, under Subparagraph (4)(ii), how can a utility determine when “construction equipment” might present potential for damage? “Construction equipment” is vague because this phrase could be interpreted to include anything from multi-ton equipment used to pave roads to a ladder. If a utility must consider potential damage from “construction equipment,” the regulation should define “construction equipment” and specify how to evaluate this threat.

Fourth, under Subparagraph (4)(iii), the utility must consider potential damage by tools or other materials which could be placed on the meter. What location would meet both Subparagraph (4)(iii) and Paragraph (7), which requires the location to accommodate access for activities including repairs and testing? We ask the PUC to either delete this provision or explain what meter location would not have the potential for tools or “other material” to be placed on the meter, and still would meet the other requirements in the regulation.

Fifth, under Subparagraph (4)(iv), it may be possible to evaluate the potential for packed snow or ice to fall from a roof. However, this provision is vague because it does not state what other “falling objects” the utility must consider. The final regulation should specify how to evaluate this threat.

5. Section 59.18 (a)(5).—Clarity; Reasonableness of requirements.

This provision states, “When potential damage is evident, the meter or service regulator shall be protected or an alternative location selected.” We have several concerns. First, how can potential damage be evident? This language should be clarified. Also, it is not clear what

standard is set by “potential damage is evident” and who would make this determination. Finally, how would the PUC enforce this provision?

6. Section 59.18 (a)(6).—Clarity; Reasonableness of requirements.

Regarding the second sentence, it is not clear what standard is set by requiring a utility to “consider the potential” for shorting out the insulating fitting when choosing a location. This provision should be rewritten to improve clarity.

7. Section 59.18 (a)(7).—Protection of the public health, safety and welfare; Clarity.

The PUC states in the Preamble that state and federal gas safety regulations require gas utilities to perform leak surveys over service lines periodically; however, several utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building, which prevents access. This provision requires that “[t]he meter location must accommodate access for meter reading, inspection, repairs, testing, changing and operation of the gas shut-off valve.” One commentator suggests clarifying that the customer shall provide the utility access, at all reasonable times, to the meter or regulator for purposes of performing the functions set forth in this provision. We agree that the regulation should address the coordination of access to inside meters between the gas utility and the customer so that safety testing can be accomplished.

8. Section 59.18 (a)(8).—Economic or fiscal impacts; Reasonableness of requirements; Implementation procedures.

This provision requires that “[t]he meter location *must* accommodate the installation of the service line in a straight line perpendicular to the main.” (Emphasis added.) In addition to the safety limitations of Paragraph (9), a utility must also work with the reality of a site location which may include natural obstacles such as underground rock, trees, other underground installations at the location such as electric, telephone, water, sewers, cable, storm drains, along with sidewalks and other characteristics of the house. There may also be circumstances where the geometry of the gas main and the property do not permit a straight, perpendicular placement of the service line from the main without crossing other property lines. The PUC should delete this mandate or explain why it is needed, why it is reasonable, what costs it imposes and why those costs are justifiable.

9. Section 59.18 (a)(9)(i) to (iv).—Economic or fiscal impacts; Clarity; Reasonableness of requirements; Implementation procedures.

These provisions state where meters and service regulators may not be installed. We have four concerns.

First, Subparagraph (9)(i) mandates that meters and service regulators may not be installed “[d]irectly beneath or in front of windows or other building openings which may be used as emergency fire exits.” While we recognize the safety aspects of these provisions, it would appear that nearly every window, including those on a second floor, could arguably be used as emergency fire exits. The PUC should explain how this provision can be applied reasonably to most circumstances.

Second, given the other restrictions of Paragraph (9), is it reasonable in Subparagraph (9)(ii) to prohibit the placement of a meter under an outside stairway in all circumstances? Given the other restrictions of Paragraph

(9), the PUC should consider revising the provision to provide NGDCs discretion and flexibility.

Third, Subparagraph (9)(iii) is vague because it eliminates a crawl space “with limited clearance.” This provision should be rewritten to clearly state what crawl spaces may not be used.

Finally, Subparagraph (9)(iv) requires that meters and service regulators may not be installed “[n]ear building air intakes.” The term “near” is vague. The PUC should revise the provision to set a clear standard for this limitation.

10. Section 59.18 (a)(10).—Economic or fiscal impacts; Reasonableness of requirements; Implementation procedures.

This provision requires that “[w]hen the Commission or a utility determines that a meter or regulator shall be moved for safety reasons, the costs associated with the relocation of the meter or regulator shall be borne by the utility. When a utility moves a meter in addition to the regulator, under this section, the cost of extending customer-owned facilities to the new meter location *shall be borne by the utility.*” (Emphasis added.) How does the PUC intend for utilities to notify customers and discuss any options that may be available to them when the determination has been made to move a meter or regulator? The PUC should clarify how it intends for NGDCs to implement notification procedures, including a timetable and available alternatives.

Additionally, a commentator raised concerns about situations where the work crews and/or contractors are demobilized for a project but the customer or property owner refuses the utility access to their premises to perform meter relocation work or otherwise hinders the utility in the relocation of equipment. Another commentator questioned whether NGDCs should bear the cost of a relocation that is necessitated by a customer’s action which has created or contributed to a safety issue. The PUC should consider revising the provision to address these circumstances.

11. Section 59.18 (b).—Clarity.

The provision states that “[o]utside meters or service regulators shall be installed in the following *locations.*” (Emphasis added.) This requirement is followed by seven paragraphs specifying locations. We have two clarity concerns. First, as written, NGDCs would need to locate meters or service regulators in *all seven* of the listed “locations.” Second, Paragraphs (3) through (7) are not “locations;” they are safety considerations. The PUC should revise and clarify Subsection (b).

12. Section 59.18 (b)(1).—Economic or fiscal impacts; Clarity; Reasonableness of requirements.

This provision provides for the location of outside meters or service regulators “[a]boveground in a protected location adjacent to the building served.” We have two concerns.

First, a commentator raises the question as to whether this provision conflicts with 52 Pa. Code § 59.31 (d), which requires meters for services off of production and transmission lines to be located as closely as possible to the point where the main line is tapped rather than adjacent to the building being served. The PUC should reconcile these provisions.

Second, commentators raise concerns as to what defines a “protected location?” The PUC should define or clarify this phrase.

13. Section 59.18 (b)(2).—Clarity.

This provision provides for the location of outside meters or service regulators “[i]n a properly designed buried vault or meter box.” A commentator raises the question as to what standards determine a “properly designed” buried vault or meter box. The PUC should clarify this provision or delete the phrase “properly designed.”

14. Section 59.18 (b)(2)(i).—Economic or fiscal impacts; Need; Reasonableness of requirements; Implementation procedures.

This provision requires that “[t]he vault or meter box must be located on a customer’s property, either adjacent to the building served or near the gas main.” The PUC should explain the need for this provision and how it is reasonable.

15. Section 59.18 (b)(3).—Protection of the public health, safety and welfare; Clarity; Reasonableness of requirements.

This provision requires that NGDCs consider “proper design and location criteria for a meter box.” Without specification in the regulation as to what is considered “proper design and location criteria for a meter box,” all of Paragraph (3) is rendered vague. In Subparagraph (3)(iii), what is the standard for the considering “potential for soil accumulation?” Also, how is Subparagraph (3)(vii) to be considered in relation to 49 CFR 192.353(c) as quoted in the Preamble? The PUC should delete Paragraph (3) or provide specific requirements in the regulation.

16. Section 59.18 (b)(6).—Protection of the public health, safety and welfare; Clarity; Reasonableness of requirements; Implementation procedures.

The provision states, “When a meter box is located outside a paved surface, a utility shall consider the potential for fill, topsoil or sod being placed over the vault and, when practical, choose an alternative location.” The regulation is not clear regarding what due diligence on the part of the utility would meet the standard to consider the “potential” for these circumstances to occur. The PUC should specify how an NGDC would meet the requirements of this provision, including the threshold that would prompt the NGDC to choose an alternative location.

17. Section 59.18 (b)(7).—Clarity; Reasonableness of requirements; Implementation procedures.

This provision requires that “[a] utility shall refer to the guide material under 49 CFR 192.355 (relating to customer meters and regulators: protection from damage).” We do not see any reference to “guide material” in the federal regulation, nor does the PUC define “guide material.” The PUC should either clarify this provision in the final regulation or, given that 49 CFR 192 is already adopted by reference in existing Section 59.33, delete Paragraph (7).

18. Section 59.18 (c)(1).—Clarity; Reasonableness of requirements; Implementation procedures.

In providing background for this provision, the Preamble states, in part, the following:

Finally, several utilities provide service in historic districts where municipal laws require the meter set to be located inside structures. In many of these instances, the utilities are able to locate the regulator outside; however, there are instances when the utility must locate the entire meter set inside due to zoning ordinances.

The provision states:

Inside meter locations shall be considered only when:

- (i) An acceptable outside location is not available due to restrictions in Federally-approved historic districts or in high-risk vandalism districts.
- (ii) Protection from ambient temperatures is necessary to avoid meter freeze-ups.

According to PHMC, this premise is inaccurate because there are no municipal requirements in Pennsylvania relating to historic properties and the location of gas meters. Similarly, the Energy Association of Pennsylvania explains in detail that Pennsylvania law generally exempts utilities from local zoning restrictions.

PHMC also states that because the term “Federally approved” does not appear in either the National Historic Preservation Act (16 U.S.C. §§ 470a—470mm) or the Pennsylvania History Code (37 Pa. Code §§ 101—906), the provision is unclear and allows for a wide range of interpretation. It also remains unclear as to what “restrictions” regarding a home listed on the National Register the regulation refers to. The PUC should explain whether local requirements including zoning restrictions do, in fact, exist for utilities and the location of gas meters in historic properties. The PUC should clarify what restrictions, if any, would allow or require an exception to be exercised, and should further clarify how it intends for historic preservation considerations—including those adopted by local governments—to be taken into account when considering the location of gas meter sets.

We also question what or who defines “high-risk vandalism districts.” The PUC should clarify this provision so that NGDCs can comply.

19. Section 59.18 (c)(4).—Economic or fiscal impacts; Feasibility; Reasonableness of requirements; Timetables for compliance.

This provision states that “[r]egulators connected to steel service lines must be relocated to the outside by December 31, 2020.” In the Preamble, the PUC states that the proposed regulation will require NGDCs to relocate most current inside regulators which are connected to steel service lines to the outside *within ten years*. (Emphasis added.) As of the date of submittal, the proposed regulation would impose a deadline of less than eight years. Commentators raise concerns about how this schedule will affect their planning, which already takes into consideration prioritization of system risk and operational concerns. The PUC should clarify the deadline and explain why the deadline is reasonable.

20. Section 59.18 (c)(5).—Economic or fiscal impacts; Clarity; Reasonableness of requirements; Implementation procedures.

The provision states that “[m]eters and service regulators may not be located in engine, boiler, heater or electrical equipment rooms, living quarters, closets, restrooms, bathrooms or similar confined locations.” A commentator states that it is possible that an NGDC could locate a meter in a basement where a heater is located a sufficient distance—according to federal standards—from the meter to not present any safety danger; this affords NGDCs discretion and flexibility in meter location. How is Paragraph (5) to be considered in relation to 49 CFR 192.353(c), as quoted in the Preamble?

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1654. Filed for public inspection August 24, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5725	State Board of Veterinary Medicine Professional Conduct; Notice of Animal Supervision	8/13/12	9/20/12
<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-427	Department of Transportation Messenger Services	8/10/12	9/20/12
18-428	Department of Transportation Temporary Registration Cards and Plates	8/10/12	9/20/12
16A-7019	State Board of Certified Real Estate Appraisers Implementation of §§ 36.11 and 36.12	8/13/12	9/20/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1655. Filed for public inspection August 24, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Andrew Kachurak under the Quality Health Care Accountability and Protection Article; Blue Cross of Northeastern Pennsylvania; Doc. No. HC12-08-008

Under Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2194), the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on September 18, 2012, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 14, 2012. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 4, 2012, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before September 17, 2012.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1656. Filed for public inspection August 24, 2012, 9:00 a.m.]

Application for Approval of a Certificate of Authority as a Preferred Provider Organization that is not a Licensed Insurance Company Submitted by Capital Advantage Assurance Company

Capital Advantage Assurance Company, a domestic for profit corporation, has applied for a Certificate of Authority to operate as a preferred provider organization that is not a licensed insurance company in this Commonwealth. The filing was made under the requirements in the applicable insurance laws, including section 630 and Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 764a and 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1657. Filed for public inspection August 24, 2012, 9:00 a.m.]

Application for Domestic Certificate of Authority by Mount Vernon Specialty Insurance Company

Mount Vernon Specialty Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—1007.15).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1658. Filed for public inspection August 24, 2012, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; BlueCare Senior Pharmacy Rider; Rate Filing

On August 7, 2012, Blue Cross of Northeastern Pennsylvania submitted a rate filing to increase the premium rates for the BlueCare Senior Pharmacy Rider. The filing proposes an average rate increase of 9.90% and will affect approximately 1,892 members. The proposed rate increase will generate approximately \$604,000 of additional annual revenue. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to November 8, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1659. Filed for public inspection August 24, 2012, 9:00 a.m.]

Everence Insurance Company; Preferred Provider Organization; Rate Filing

On August 8, 2012, Everence Insurance Company submitted a rate filing to increase the premium rates for the Preferred Provider Organization. The filing proposes an average rate increase of 9.90% and will affect approximately 506 contract holders. The proposed rate increase will generate approximately \$332,000 of additional annual revenue. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to November 8, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1660. Filed for public inspection August 24, 2012, 9:00 a.m.]

Highmark Health Insurance Company; Individual Conversion PPO Rates; Rate Filing

By filing No. 1A-CONV/PPO-12-HHIC, HM Health Insurance Company, d/b/a Highmark Health Insurance Company, requests approval to increase its premium rates for its HHIC Individual Conversion PPO. The filing requests an average increase of 9.5% or \$63.25 per contract per month. The proposed rate increase would affect approximately 2,074 contract holders and would produce additional revenue of about \$1.57 million annually. The requested effective date of the change is February 1, 2013.

Unless formal administrative action is taken prior to November 8, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1661. Filed for public inspection August 24, 2012, 9:00 a.m.]

Request to Surrender a Certificate of Authority to Provide a Continuing Care Retirement Community by Lebanon Valley Catholic Home, Inc.

Lebanon Valley Catholic Homes, Inc. has submitted a request to surrender its Certificate of Authority to operate a Continuing Care Retirement Community at Heritage Commons in Lebanon, PA. The request was received on August 15, 2012, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the surrender of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syenger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1662. Filed for public inspection August 24, 2012, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on October 3, 2012, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2011 and 2012; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on September 7, 2012, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 7, 2012, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on September 12, 2012, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on September 19, 2012, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on September 27, 2012, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on September 21, 2012.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 12-1663. Filed for public inspection August 24, 2012, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on October 3, 2012, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2011 and 2012; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 5. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 5.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on September 7, 2012, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on September 7, 2012, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on September 12, 2012, Board Staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on September 19, 2012, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on September 27, 2012, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on September 21, 2012.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

TIM MOYER,
Secretary

[Pa.B. Doc. No. 12-1664. Filed for public inspection August 24, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Service Reconciliation Interim Guidelines

Public Meeting held
July 19, 2012

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Wayne E.
Gardner; James H. Cawley; Pamela A. Witmer

Default Service Reconciliation Interim Guidelines;
M-2012-2314313

Order

By the Commission:

As of January 1, 2011, all electric distribution companies (EDCs) in Pennsylvania had moved beyond the rate cap period to a market based default service plan. Traditional methods of reconciliation accounting and of allocating costs to rate classes, as well as significant customer participation in the retail market, have caused a great deal of volatility in default service pricing associated with the recovery of revenue/cost imbalances. By this order, the Commission seeks comments from market participants on changes that this Commission could make in order to better ensure that costs and associated revenues are: (1) appropriately matched; and (2) assigned to the appropriate class; and (3) that default service costs are recovered expeditiously and accurately, as required by the Public Utility Code.

Background

In order to fully recover the cost of providing default service, all EDCs to date have implemented reconciliation riders to recover the cost of generation, transmission and other related default supply services. Ideally, EDCs would have reasonably forecasted and matched these costs to revenues, resulting in only minor cash imbalances. Unfortunately, however, this has not been the case.

Traditional methods of reconciliation accounting and of allocating costs to rate classes, as well as significant customer participation in the retail market, have caused a great deal of volatility in default service pricing associated with the recovery of revenue/cost imbalances. In some instances, these imbalances have resulted in significant rate adjustments referred to as “E-factors,”¹ have produced rate volatility and inaccurate price signals, and have complicated shopping decisions for consumers. These challenges have been well documented in recent Commission proceedings.² These proceedings have raised issues that are likely to have industry-wide implications.

Discussion

The Commission’s objectives are to ensure that the industry’s current prices reflect current costs as accurately as is feasible, that EDCs are able to fully recover their just and reasonable default service costs, and that default service customers pay the full cost of default service.

To further these objectives, the Commission seeks feedback from market participants on changes that this Commission could make to reconciliation riders in order to better ensure that costs and associated revenues are: (1) appropriately matched; and (2) assigned to the appropriate class; and (3) that default service costs are recovered expeditiously and accurately, as specifically required by Act 129 and by the Public Utility Code in general. Resolution of these issues will also help ensure that credits, back billings, and interest payments and charges related to default service are minimized.

Accordingly, the Commission seeks comments on the following questions:

1. Should recognition of revenues for monthly reconciliation purposes include “unbilled revenues”³ for service provided during the month? If not, are there other methods of accounting for revenues that more appropriately match revenues and costs on a monthly basis?
2. Should costs and revenues be reconciled on a quarterly, or longer basis, or on some combination of quarterly and some other period? How often should adjustments to E-factors be made?⁴
3. Should transmission and generation reconciliation amounts be netted? If so, how?
4. Should default service basic and optional (e.g., Time of Use/Real Time Pricing) services be reconciled together or separately for each rate class?
5. How should/could working capital costs be recovered for default service?
6. Should the Commission alter how interest is charged/credited on under/over collections? Is the current

¹ An E-factor is a surcharge to an existing reconcilable rate to recover differences between the revenues collected for a specified cost category and the actual costs incurred. 66 Pa. C.S. § 1307.

² See, e.g., Petition of PPL for Approval to Implement a Reconciliation Rider for Default Supply Service, P-2011-2256365 (July 19, 2012); PPL Proposed GSC-1 For June 1, 2011, Through August 31, 2011, M-2011-2243137 (July 19, 2012), and *Lloyd v. PPL*, C-2011-2245906.

³ “Unbilled Revenues” is a term used in the industry to designate revenues earned from providing utility service during a calendar month, but for which the full cost of service provided has not been billed during the calendar month due to billing cycles that do not coincide with a calendar month. The “unbilled revenues” of one month will become the “billed revenues” of the next month as part of the next billing cycle. “Unbilled revenues” does not mean that the revenues were not billed prior to submission of a reconciliation filing.

⁴ The Commission believes that discussion of this issue will complement reconciliation filings in EDC default service proceedings filed in compliance with the final Commission Order in Investigation of PA’s Retail Electricity Market: Recommendations Regarding Upcoming Default Service Plans, Docket No. I-2011-2237952 (Dec. 16, 2011) (statewide investigation of PA’s retail electricity market). See also http://www.puc.state.pa.us/electric/electric_CompetitiveMarketOversight.aspx.

statutory rate of interest reflective of market rates of interest? How can these interest provisions be improved?

7. When, if ever, would it be appropriate to use a Competitive Transition Rider (CTR) for the purposes of addressing default service collection issues?

8. Should E-factors be included in the Price to Compare, as is the current practice?

9. Can the process for assigning PJM capacity costs or other demand or customer-based costs between rate classes be improved? If so, please describe how best to assign costs for various services to the appropriate rate classes, and provide examples.

The Commission seeks comments and reply comments on these important questions, as well as any additional issues that market participants feel the Commission needs to address regarding default service reconciliation riders.

After receiving these comments, the Commission intends to establish interim guidelines and/or to make modifications to the existing default service policy statement and regulations, if necessary.

The Commission also takes note of an ongoing proceeding regarding transmission service charge (TSC) reconciliation in Investigation re TSC Reconciliation Methods, Docket No. M-2011-2239714. We anticipate taking action in that parallel proceeding at an upcoming public meeting. Where appropriate, we will also incorporate the relevant findings/recommendations from that proceeding for the purposes of establishing guidelines or proposing regulations to improve our default service reconciliation process for both generation and transmission related costs.

Conclusion

We have opened this docket to solicit comments from stakeholders, including the CHARGE working group,⁵ on changes that the Commission could make to reconciliation riders in order to better ensure that costs and associated revenues are: (1) appropriately matched; and (2) assigned to appropriate customer classes; and (3) that default service costs are recovered expeditiously and accurately; *Therefore,*

It Is Ordered That:

1. This docket is opened in order to solicit comments from stakeholders on changes that the Commission could make to reconciliation riders in order to better ensure that costs and associated revenues are: (1) appropriately matched; and (2) assigned to appropriate customer classes; and (3) that default service costs are recovered expeditiously and accurately. Said comments should also include a response to the question of whether a stakeholder meeting should be convened.

2. This order be served on all jurisdictional electric distribution companies (EDCs), the Energy Association of Pennsylvania, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement.

3. A copy of this order be emailed to all entities on the CHARGE email distribution list.

4. Notice of this order be posted on the Commission's website and published in the *Pennsylvania Bulletin*.

⁵ The Committee Handling Activities for Retail Growth in Electricity Working Group is comprised of Office of Competitive Market Oversight (OCMO) representatives, electric generation suppliers (EGSs), default service providers (DSPs), and consumers. It was formed to informally resolve issues that arise in the retail electric market. See http://www.puc.state.pa.us/electric/electric_CompetitiveMarketOversight.aspx.

5. Comments be filed within 20 days of the date of publication in the *Pennsylvania Bulletin*.

6. Reply comments be filed 15 days after comments are due.

7. The Law Bureau prepare a recommendation to the Commission within 45 days of receipt of the reply comments.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1665. Filed for public inspection August 24, 2012, 9:00 a.m.]

Natural Gas Service

A-2012-2319320. Columbia Gas of PA, Inc. Application of Columbia Gas of PA, Inc. for approval of the abandonment of natural gas service to one commercial customer located in Indiana, Indiana County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 10, 2012. 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: Columbia Gas of Pa, Inc.

Through and By Counsel: Kimberly S. Cuccia, Counsel, Theodore J. Gallagher, Senior Counsel, NiSource Corporate Services Company, 121 Champion Way, Suite 100, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1666. Filed for public inspection August 24, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 10, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2012-2301439. Gholston Paratransit Service, LLC (5070 Parkside Avenue, Suite 2100, Philadelphia, Philadelphia County, PA 19131) (Corrected), for the right to begin to transport, as a common carrier, by motor vehicle, persons, persons in Paratransit service, between points within a 6.5-mile radius of 5070 Parkside Avenue, Philadelphia, PA.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2012-2304464. Valley Limousine and Charter, LLC (446 Route 982, Latrobe, Westmoreland County, PA 15650)—in limousine service, between points in this Commonwealth, which is to be a transfer of all rights authorized under the certificate issued at A-00096231 to Veteran's Cab Company, Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 265 Merion Drive, Pittsburgh, PA 15228.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2012-2303459. L & M Movers, LP (9912 Medway Road, Philadelphia, Philadelphia County, PA 19115)—for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the Counties of Bucks, Montgomery and Philadelphia.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2012-2308375. Bonnie and Melvin Hackart (2966 Ryder Avenue, Sarasota, FL 34234)—for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1667. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319118. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1668. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319145. Frontier Communications of Breezewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Frontier Communications of Breezewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1669. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319124. Frontier Communications of Canton, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Frontier Communications of Canton, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Canton, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Canton, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1670. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319168. Frontier Communications of Lakewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Frontier Communications of Lakewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Lakewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Lakewood, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1671. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319177. Frontier Communications of Oswayo, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Frontier Communications of Oswayo, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Oswayo, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Oswayo, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1672. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2319162. Frontier Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC. Joint petition of Frontier Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC, by its counsel, filed on August 14, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC, VoiceStream Pittsburgh, LLC and T-Mobile Central, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1673. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2318812. Verizon North, LLC, f/k/a Verizon Retain and NTELOS Licenses, Inc., d/b/a NTELOS. Joint petition of Verizon North, LLC, f/k/a Verizon Retain and NTELOS Licenses, Inc., d/b/a NTELOS for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC, f/k/a Verizon Retain and NTELOS Licenses, Inc., d/b/a NTELOS, by its counsel, filed August 13, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC, f/k/a Verizon Retain and NTELOS Licenses, Inc., d/b/a NTELOS joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1674. Filed for public inspection August 24, 2012, 9:00 a.m.]

Telecommunications

A-2012-2318797. Verizon Pennsylvania, Inc. and NTELOS Licenses, Inc., d/b/a NTELOS. Joint petition of Verizon Pennsylvania, Inc. and NTELOS Licenses, Inc., d/b/a NTELOS for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and NTELOS Licenses, Inc., d/b/a NTELOS, by its counsel, filed on August 13, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and NTELOS Licensing, Inc., d/b/a NTELOS joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1675. Filed for public inspection August 24, 2012, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Raylonda S. Davis

On May 7, 2012, Raylonda S. Davis, license no. CT019030L, of Harrisburg, Dauphin County, was ordered to pay a civil penalty of \$1,000, in that she practiced cosmetology while her license was expired.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-1676. Filed for public inspection August 24, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Nathaniel Louis Reyner, LPN; Doc. No. 2209-51- 2011

On March 5, 2012, Nathaniel Louis Reyner, LPN, license no. PN276874, of New Freedom, York County, had his license indefinitely suspended retroactive to January 18, 2012, for being unable to practice nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the order by writing to Judith Pachter Schuler, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-1677. Filed for public inspection August 24, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Roseann Thomas, LPN; Doc. No. 0741-51-11**

On June 2, 2011, Roseann Thomas, license no. PN282010, of Wilkes-Barre, Luzerne County, had her nursing license indefinitely suspended effective June 22, 2011, based on her failure to comply with an Order of the

State Board of Nursing (Board) requiring her to undergo a mental and physical examination.

Individuals may obtain a copy of the Memorandum Opinion and Order by writing to Judith Pachter Schuler, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

Individuals may file a request for a hearing to challenge the validity of the Order compelling the examination or to contest the allegations of the motion to deem facts admitted along with an answer within 20 days of publication of this notice. If a request for hearing and answer are not filed within the time period set forth previously, a final adjudication and Order indefinitely suspending the license will be issued by the Board.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-1678. Filed for public inspection August 24, 2012, 9:00 a.m.]
