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PENNSYLVANIA BULLETIN

Volume 41
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 441, August 2011

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS
[207 PA. CODE CH. 33]

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES
[210 PA. CODE CH. 63]

Adoption of Section 11 of the Internal Operating Procedures of the Supreme Court and Amendment of the Code of Judicial Conduct; No. 368 Judicial Administration Doc.

Order

Per Curiam

And Now, this 15th day of August, 2011, *It Is Ordered* that Section 11 of the Internal Operating Procedures of the Supreme Court is adopted and Canon 3 of the Code of Judicial Conduct is amended as set forth in the following forms.

Annex A

TITLE 207. JUDICIAL CONDUCT
PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter A. CANONS

Canon 3. Judges should perform the duties of their office impartially and diligently.

The judicial duties of judges take precedence over all their other activities. Their judicial duties include all the duties of their office prescribed by law. In the performance of these duties, the following standards apply:

A. *Adjudicative responsibilities.*

* * * * *

(7) [**Judges**] Unless otherwise provided by the Supreme Court of Pennsylvania, judges should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

* * * * *

Official Note: Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

See the Internal Operating Procedures of the Supreme Court of Pennsylvania and the Commonwealth Court of Pennsylvania regarding broadcasting of proceedings by the Pennsylvania Cable Network.

* * * * *

TITLE 210. APPELLATE PROCEDURE
PART II. INTERNAL OPERATING PROCEDURES
CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

§ 63.11. **Photographing, Recording and Broadcasting of Supreme Court Proceedings by the Pennsylvania Cable Network (PCN).**

A. *General Provisions.*

(1) The recording by the Pennsylvania Cable Network (“PCN”) of a proceeding before the Supreme Court for future broadcast on PCN is permissible only in accordance with this section.

(2) A request to be present to record a scheduled proceeding electronically for future broadcast on PCN must be made at least three business days before the proceeding. Such requests must be submitted to the Executive Administrator of the Supreme Court of Pennsylvania or his or her designee (“Executive Administrator”) for approval by the Chief Justice. The Supreme Court shall maintain discretion to prohibit camera coverage of any proceeding, or any part thereof, due to the nature of the issues or the sensitivity of the subject matter of a proceeding.

(3) There shall be no coverage of a proceeding involving any case that has been designated as “sealed.”

(4) There shall be no audio pickup or broadcast of conferences between co-counsel or among the Justices.

(5) The Supreme Court may limit or terminate coverage, or direct the removal of camera coverage personnel, when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.

(6) The Supreme Court shall not incur any expense for equipment, wiring or personnel necessary to provide coverage by PCN.

(7) Introductory commentary, if any, shall be supplied by members in good standing of the Pennsylvania Bar approved by the Supreme Court.

(8) All coverage must be “gavel-to-gavel,” including rebroadcasts, with the exceptions in A.(3)—(5).

(9) All copyrights to the broadcasts are the possession of the Supreme Court and may not be used without its approval. PCN shall provide the Supreme Court with DVD or videotape recordings of all sessions covered by PCN, whether or not broadcast or aired.

B. *Equipment and Personnel.*

(1) Only robotic cameras will be permitted in the courtroom. PCN personnel shall consult with the Executive Administrator to determine the location in the courtroom for the camera equipment and operators.

(2) Equipment shall not produce distracting sound or light. Signal lights or devices to show when the equipment is operating shall not be visible.

(3) Except as otherwise approved by the Executive Administrator, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a camera’s built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be

unobtrusive and shall be located in places designated in advance by the Executive Administrator.

(4) All equipment must be in place prior to the opening of the court session and shall not be removed until after the conclusion of the day's proceedings. Video recording equipment which is not a component part of a camera shall be located in an area remote from the courtroom. PCN personnel shall not enter or exit the courtroom once the proceedings are in session except during a recess or adjournment. PCN personnel shall wear appropriate attire in the courtroom.

(5) PCN personnel shall adhere to the direction of the Executive Administrator in matters such as security, parking, noise avoidance and other related issues.

C. Impermissible Use of Material.

None of the film, videotape, video discs, still photographs or audio reproductions developed during or by virtue of coverage of a proceeding shall be admissible as evidence in the proceeding from which it arose, in any proceeding subsequent or collateral thereto, or upon any appeal of such proceedings.

[Pa.B. Doc. No. 11-1453. Filed for public inspection August 26, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order Paroling Defendants Sentenced to Prison for a Minimum of Not More Than Thirty (30) Days for Driving Under the Influence of Alcohol or Controlled Substance; No. AD-8-2011

Amended Order

And Now, this 9th day of August, 2011, pursuant to the requirements of Pa.R.Crim.P. 117,

It Is Ordered that effective September 1, 2011, new Administrative Order Paroling Defendants Sentenced to Prison for a Minimum of Not More Than Thirty (30) Days for Driving Under the Influence of Alcohol or Controlled Substance, be and the same is hereby adopted in the following form.

It Is Further Ordered that seven (7) certified copies of this Order and the following Rule of Criminal Procedure shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; and that one copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Lehigh County.

By the Court

KELLY L. BANACH,
Administrative Judge

Administrative Order Paroling Defendants Sentenced to Prison for a Minimum of Not More Than Thirty (30) Days for Driving Under the Influence of Alcohol or Controlled Substance

Order

And Now, this day of August, 2011,

It Is Ordered that the Administrative Order filed in Case 350-M/ 1994 on September 9, 1994 and the Administrative Order filed in Case 158-M/ 1991 on June 11, 1991 are hereby *Vacated*;

It Is Further Ordered that a Defendant convicted and sentenced to serve a minimum term of imprisonment of not more than thirty (30) days pursuant to 75 Pa.Con.Stat. Ann. § 3802 (a)—(f), shall be paroled immediately upon serving his/ her minimum sentence, unless otherwise Ordered by the Sentencing Court;

It Is Further Ordered that Lehigh County Prison is hereby authorized and directed to release any Defendant pursuant to this Order without further action or Order of Court;

It Is Further Ordered that the Defendant shall comply with all conditions imposed in the original sentence, including payment of costs, fines, and restitution and shall comply with the following conditions of parole:

(1) The Defendant shall receive a copy of this Order;

(2) The Defendant shall report to the Lehigh County Probation and Parole Department within seventy-two (72) hours of release;

(3) The Defendant shall refrain from consuming alcoholic beverages and illegal drugs;

(4) The Defendant shall undergo a Court Reporting Network (CRN) evaluation and shall pay a CRN evaluation fee determined by the County of Lehigh;

(5) The Defendant shall participate in such drug and alcohol evaluation, counseling, therapy and treatment as recommended by the Probation Officer;

(6) The Defendant shall attend and successfully complete the Alcohol Highway Safe Driving School and shall pay the required tuition fee to the County of Lehigh;

(7) The Defendant shall undergo random urinalysis as directed by the Probation Officer.

[Pa.B. Doc. No. 11-1454. Filed for public inspection August 26, 2011, 9:00 a.m.]

YORK COUNTY

Common Pleas Criminal Court Third Party Referred Payment Plans; CP-67-MD-0001815-2011; CP-67-AD-0000018-2011

Administrative Order

And Now, To Wit, this 26th day of July, 2011, pursuant to Pa.R.Crim.P. 105, this Court *Approves* an unlimited extension for collection efforts against all Defendants by the York County Clerk of Courts and the appointed private collection agencies on its behalf of all payments of

costs, fines, reparation, restitution, penalties and other remittances relating to criminal cases in the Criminal Division of the Court of Common Pleas of York County as follows:

(1) The Office of the Clerk of Courts of the York County Court of Common Pleas is a designated entity responsible for the collection and allocation of all costs, fines, reparation, restitution, penalties and other remittances imposed and collected as a result of criminal cases in the Criminal Division of the Court of Common Pleas of York County, hereinafter referred to as "Collection Efforts."

(2) The Office of the Clerk of Courts of the York County Court of Common Pleas as an issuing agency pursuant to 42 Pa.C.S. § 9730.1, may contract and refer the Collection Efforts to a private collection agency.

(3) Pursuant to 42 Pa.C.S. § 9730.1, the private collection agency is required to cease all Collection Efforts after 180 days has elapsed since referral and there has been no response by the defendant or collection of moneys.

(4) This Court is granting an unlimited extension on elapsed cases to allow continued Collection Efforts by any private collection agency contracted by the County of York on behalf of the Office of the Clerk of Courts of York County Court of Common Pleas.

It Is Ordered that this Administrative Order shall be effective thirty (30) days after the publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It Is Further Ordered that in accordance with Pa.R. Crim.P. No. 105, the District Court Administrator shall:

(a) Provide one (1) certified copy of the local rule to the Criminal Procedural Rules Committee;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

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

(d) File one certified copy of the local rule with the Administrative Office of Pennsylvania Courts;

(e) Cause a copy hereof to be published in the *York Legal Record* once a week for two (2) successive weeks at the expense of the County of York;

(f) Supervise the distribution thereof to all Judges and members of the Bar of this Court.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

[Pa.B. Doc. No. 11-1455. Filed for public inspection August 26, 2011, 9:00 a.m.]

YORK COUNTY

**Fee Schedule Approval Pursuant to Act 36-2000;
CP-67-MD-0001351-2011; CP-67-AD-0000017-2011**

Administrative Order

And Now, To Wit, This 2nd day of June 2011, pursuant to the provisions of 42 P. S. Section 1725.4, the fee bill of the Clerk of Court of York County, Pennsylvania, is amended to reflect the following Fee Schedule. The fee bill shall be effective the first day of October 2011, upon receipt of written notification from the Criminal Procedural Rules Committee that the proposed fee schedule is not inconsistent with any general rule of the Supreme Court and upon due advertisement as required by the Administrative Rules of Court.

It Is Further Ordered that in accordance with Pa.R. Crim.P. No. 105, the District Court Administrator shall:

(a) Provide one (1) certified copy of the local rule to the Criminal Procedural Rules Committee;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

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

(d) File one certified copy of the local rule with the Administrative Office of Pennsylvania Courts;

(e) Cause a copy hereof to be published in the *York Legal Record* once a week for two (2) successive weeks at the expense of the County of York;

(f) Supervise the distribution thereof to all Judges and members of the Bar of this Court.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

	<i>Current</i>	<i>4.5% Increase</i>	<i>New Rate— Rounded</i>	<i>TOTAL Amt Due</i>
CLERK FEES:				
**Non Jury Trial or Guilty Plea	\$145.00	\$6.53	\$151.50	\$168.00
**Indirect Criminal Contempt	\$145.00	\$6.53	\$151.50	\$168.00
**Jury Trial	\$195.00	\$8.78	\$205.00	\$221.50
**Summary	\$40.50	\$1.82	\$42.50	\$59.00
COPIES:				
Per page	\$0.55	\$0.02	\$0.55	\$0.55
Certified Copy (Hard Copy or Electronic Copy)	\$10.00	\$0.45	\$10.50	\$10.50
Electronic Records on CD-ROM or DVD			\$15.00	\$15.00

THE COURTS

4623

	<i>Current</i>	<i>4.5% Increase</i>	<i>New Rate— Rounded</i>	<i>TOTAL Amt Due</i>
<i>FILING FEES:</i>				
*Miscellaneous Papers	\$18.00	\$0.81	\$19.00	\$24.00
*Tax Collector Bond	\$18.00	\$0.81	\$19.00	\$24.00
*Constable Bond	\$18.00	\$0.81	\$19.00	\$24.00
**Summary Conviction Appeal (Charged each Docket #)	\$47.50	\$2.14	\$50.00	\$66.50
**Appeals to Commonwealth/Superior or Supreme Court	\$58.00	\$2.61	\$60.50	\$77.00
*Road Cases	\$18.00	\$0.81	\$19.00	\$24.00
*Resolution of Township Supervisors	\$18.00	\$0.81	\$19.00	\$24.00
**Expungment Petition	\$55.00	\$2.48	\$57.50	\$74.00
<i>FORMS:</i>				
*Record Check	\$6.00	\$0.27	\$6.00	\$11.00
Bail Piece (Charged on each case issued)	\$12.00	\$0.54	\$12.50	\$12.50
<i>MISCELLANEOUS:</i>				
Postage (Charged per case)	\$11.00	\$0.50	\$11.50	\$11.50
Automation Fee	\$5.00		\$5.00	\$5.00

* Add \$5.00 for Equipment Automation Fund

** Add \$16.50 for Equipment Automation Fund & Postage

Note: \$5 automation fee set by Act 36 of 2000

[Pa.B. Doc. No. 11-1456. Filed for public inspection August 26, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

Unsuitable for Surface Mining; Muddy Run

The Environmental Quality Board (Board) amends § 86.130 (relating to areas designated as unsuitable for mining) to read as set forth in Annex A. The final-form rulemaking designates the surface mineable reserves of the Lower Kittanning, Clarion, Brookville and Mercer coals within the headwaters of the Muddy Run watershed, Reade Township, Cambria County as unsuitable for surface mining operations.

This order was adopted by the Board at its meeting of May 18, 2011.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Geoffrey Lincoln, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this final-form rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

C. *Statutory Authority*

The final-form rulemaking is adopted under the authority of section 4.5 of the Surface Mining Conservation and Reclamation Act (act) (52 P. S. § 1396.4e); section 6.1 of the Coal Refuse Disposal Control Act (52 P. S. § 30.56a); and section 315(h)—(o) of The Clean Streams Law (35 P. S. § 691.315 (h)—(o)).

D. *Background and Summary*

Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. § 1272) requires each state seeking primary regulatory authority (primacy) over coal mining operations to establish a procedure for the designation of areas as unsuitable for mining. The State statutory authority for this procedure, referenced in Section C, was created in the 1980 amendments to the authorizing acts as part of the Commonwealth's effort to obtain primacy. On November 19, 1980, the Board adopted Chapters 86—90. Chapter 86, Subchapter D (relating to areas unsuitable for mining) contains the Department's regulations for procedures and criteria for the designation of areas as unsuitable for surface mining. Section 86.130 also contains a description of each area designated as unsuitable for mining (UFM) by the Board.

The Department is required to designate areas as unsuitable for surface mining when it determines that reclamation under the act is not technologically or economically feasible. In addition, the Department may designate an area as unsuitable for all or certain types of surface coal mining operations if the operations will: 1) be incompatible with existing State or local land use plans or programs; 2) affect fragile or historic lands where the operations would result in significant damage to important historical, cultural, scientific and aesthetic values and natural systems; 3) cause a substantial loss or reduction in long-range productivity of food or fiber products or water supply, including aquifers and aquifer recharge areas; or 4) substantially endanger life and property in natural hazard areas, including areas subject to frequent flooding and areas of unstable geology.

On March 21, 1996, under § 86.122 (relating to criteria for designating lands as unsuitable), the Reade Township Municipal Authority (RTMA) submitted a petition to the Department requesting that approximately 3,200 acres of the Muddy Run watershed be designated as "unsuitable for mining." The RTMA's stated purpose was the protection of their public water supply wells from potential adverse mining-related impacts. The RTMA's petition alleged that surface mining activities could destroy or seriously degrade the source aquifers tapped by Reade Township's public water supply wells and could adversely impact other local surface and groundwater resources. The RTMA provided supporting evidence documenting mining-related impacts to a private water well within the Muddy Run watershed and provided an outline of deleterious mining-induced impacts to Muddy Run and to adjacent watersheds.

The Department determined the petition to be complete and acceptable for technical study in April 1997. The petitioner was notified accordingly on May 1, 1997.

Technical study fieldwork, including water sampling and site reconnaissance, began in 1997. The technical study process was suspended in early 1999 and was reactivated in December 2003. This suspension occurred while the Department awaited the court's decision on a challenge to a previous UFM designation as an unconstitutional taking. The Pennsylvania Supreme Court decided, in *Machipongo Land and Coal Company, Inc. v. Dep't of Environmental Resources*, 569 Pa. 3 (2002), that a UFM designation was not an unconstitutional taking. The Muddy Run study was completed in October 2004. Copies of the two-volume technical study, entitled "A Petition to Designate Areas Unsuitable for Mining: Muddy Run Watershed," as well as the Comment and Response Document prepared to address public input are available from Geoffrey Lincoln. See section B of this preamble for contact information. The key findings of the technical study are as follows:

- The recharge area for the RTMA wells appears to be primarily from the area east of the well field along the upper flank of the Allegheny Mountain, where the source aquifers are at, or near, the surface. Additional recharge to these aquifers is from downward infiltration from closely overlying coal-bearing units. The downward infiltration of water is enhanced by numerous fractures and two regional faults in the area.

- Based on available information, including regional geochemical tracer studies confirming acidic mine water traveling significant horizontal and vertical distances in the subsurface, there is a potential for mining-related pollution of the RTMA wells. Groundwater tests conducted to date are not sufficient to characterize conditions beyond the immediate vicinity of the RTMA wells or to assess the impact of highly transmissive fractures. The potential exists for hydrologic exchange between the RTMA water supply aquifer and the potentially acidic overlying coal-bearing units. The only way to conclusively determine the existence of a hydrologic connection to the well is to conduct extensive draw down pump testing. However, these tests create an unacceptable risk because establishing the connection would destroy the public water supply wells.

- Overburden analysis results indicate the presence of high sulfur zones, with little or no alkaline strata, associated with the Lower Kittanning, Clarion, Brookville and Mercer coals. There is a very significant potential for production of acid mine water from surface mining of these coals.

- Coal mining has significantly impacted the water quality and aquatic community of Muddy Run. As a result of coal mining activities, all stream sections of Muddy Run and its tributaries within the study area, except for the headwaters in the eastern portion of the study area (the unmined RTMA wells' recharge area), are acidic with low pH and have high concentrations of aluminum, iron and manganese.

- Surface mining activities have significantly degraded groundwater resources within the technical study area, including numerous domestic and private water supplies.

The purpose to the final-form rulemaking is to protect the quality of surface water and groundwater in the Muddy Run watershed, including source aquifers for the RTMA wells. A secondary purpose is to help coal mine operators plan future mining activities by alerting potential mine permit applicants to the adverse hydrologic impacts associated with mining certain coal seams adjacent to the designated area.

E. Summary of Comments and Responses

The only comment the Board received during the 30-day public comment period for the proposed rulemaking was from the Pennsylvania State Association of Township Supervisors (PSATS). In their comments, PSATS stated their support of the rulemaking and noted that without the rulemaking, there most likely would be a detrimental effect on those municipalities within the watershed that rely on ground water for human consumption. In their comments, PSATS also acknowledged the responsibility of the RTMA to remedy any water contamination that may occur by potential mining activities, which, in their estimation, would result in substantial costs to the customers of the system. The Board appreciates the commentator's support of the rulemaking and notes that the Department has addressed the potential impacts of mining activities in the area in an UFM technical study, which is available from the Department upon request.

The Independent Regulatory Review Commission (IRRC) issued no objections, comments or recommendations on the rulemaking and noted that the rulemaking would be deemed approved if the regulation is not amended and is retained in its proposed form. The Board

has not made changes to the rulemaking based upon public comments.

F. Benefits, Costs and Compliance

Benefits

The final-form rulemaking would benefit the RTMA's customers by restricting mining on coal seams with high acid mine drainage potential in areas in close proximity to the RTMA water supply aquifers. Mining in close proximity could pollute the public water supply wells. The RTMA presently provides potable water to approximately 550 service accounts and provides water for local fire protection to Reade Township, including the towns of Blandburg, Hollentown, Fallentimber, Flinton and Van Ormer. The RTMA wells were drilled in 1993 and 1994 using part of a nearly \$5 million grant provided by the Rural Economic Development Agency. The location and construction of the RTMA water supply wells was the result of several years of effort. Two previous attempts to develop water supply wells were not successful because of insufficient quantity or quality of local groundwater resources, in part due to aquifer degradation from previous surface coal mining. Based on available information, alternative well sites would be limited or nonexistent should the existing wells become contaminated.

The designation process also serves to aid coal operators in planning future mining activities. The UFM areas are explicitly delineated by regulation. This allows operators to avoid the cost of evaluating properties within designated areas and to avoid the subsequent costs of preparing permit applications for mine sites on similar coal seams adjacent to the designated area that are highly unlikely to be approved for surface mining activities.

The designation restricts mining by seam, and by type, within the boundaries of the technical study area. Therefore, the designation will benefit the surface water and groundwater quality of the Muddy Run watershed by eliminating or limiting the mining-related disturbance of high-sulfur acid mine drainage producing rock formations that have minimal or no neutralizing potential.

Compliance Costs

The regulation does not impose costs on the regulated community. The regulation benefits the regulated community by helping coal operators plan future mining activities. The UFM areas are explicitly delineated by regulation. This allows operators to avoid the cost of evaluating properties within designated areas and to avoid the subsequent costs of preparing permit applications for mine sites on similar coal seams adjacent to the designated area that are highly unlikely to be approved for surface mining activities.

Compliance Assistance Plan

The Department will provide written notification of the changes to the coal mining industry.

Paperwork Requirements

The only paperwork requirements imposed by the regulation are those necessary to make operators and Department personnel aware of the location of the designated area. Copies of the regulation containing a description of the area and a map of the location of the area will be held on file at the appropriate Department offices.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives.

The designation of the headwaters of Muddy Run as UFM prevents pollution by prohibiting further coal mining in the area. The intent of the designation is to protect the public water supply wells of the RTMA.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on April 27, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2425 (May 8, 2010), to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 20, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective July 20, 2011.

J. *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 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 enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 2425.
- (4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

K. *Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 86, are amended by amending § 86.130 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

MICHAEL L. KRANCER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)

Fiscal Note: Fiscal Note 7-456 remains valid for the final adoption of the subject regulation.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

**Subpart D. AREAS UNSUITABLE FOR MINING
CRITERIA AND PROCEDURES FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE MINING**

§ 86.130. Areas designated as unsuitable for mining.

* * * * *

(b) The following is a list of descriptions of areas which are unsuitable for all or certain types of surface mining operations and where all or certain types of surface mining operations will not be permitted:

* * * * *

(18) The surface mineable coal reserves of the Lower Kittanning, Clarion, Brookville and Mercer coals in the Muddy Run watershed, Cambria County, located south of State Route 253, including Muddy Run and its eastern tributary, Curtis Run.

[Pa.B. Doc. No. 11-1457. Filed for public inspection August 26, 2011, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47, 48 AND 49]

Licensure by Endorsement; Hours of Supervised Clinical Experience

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends §§ 47.12c and 47.12d (relating to licensed clinical social worker; and standards for supervisors) and adds §§ 47.16, 48.17 and 49.18 (relating to licensure by endorsement) to read as set forth in Annex A.

Statutory authority

The act of July 9, 2008 (P. L. 929, No. 68) (Act 68) amended section 7(d) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1907(d)) to reduce the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000. Act 68 also added section 10.1 of the act (63 P. S. § 1910.1) to establish licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors. Section 4 of Act 68 directs the Board to promulgate regulations to implement the addition of section 10.1 of the act within 3 years of the effective date of Act 68. The effective date of Act 68 was September 7, 2008. Section 6(2) of the act (63 P. S. § 1906(2)) authorizes the Board to adopt and, from time to time, revise rules and regulations as may be necessary to carry into effect provisions of the act.

Background and Purpose

The final-form rulemaking is required to implement licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors as required under section 10.1 of the act and to amend existing regulations to conform to the recent amendments to the act reducing the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000.

Summary of Comments and the Board's Response

The Board published a proposed rulemaking at 40 Pa.B. 2131 (April 24, 2010) with a 30-day public comment period. On April 26, 2010, the Board received public comment from the Pennsylvania Chapter of the National Association of Social Workers (NASW-PA). NASW-PA objected to the proposal in § 47.12c(b)(2) to reduce the number of hours of supervised clinical experience an applicant may earn during a 12-month period from 1,800 to 1,500 hours. The Board had intended to continue the existing regulatory scheme, whereby the required hours of supervised clinical experience shall be completed in no less than 2 years, with half of the hours completed in the first year and the remaining half completed in the second

year. The Board recognized that many candidates for licensure are currently pursuing the required supervised clinical experience and proposed to amend subsection (c) to accept up to 1,800 hours in a given 12-month period that was completed prior to the effective date of this final-form rulemaking so that no one would be adversely affected by the change midstream. However, in response to the NASW-PA's comment, the Board agrees that the reduction in the maximum hours completed in any given 12-month period is not necessary to effectuate the overall statutory reduction to 3,000 total hours, and has amended the final-form rulemaking to continue to accept a maximum of 1,800 hours completed during a given year, with the understanding that the total of 3,000 hours shall be completed in no less than 2 years in accordance with § 47.12c(b)(9).

The House Professional Licensure Committee (HPLC) submitted only one comment questioning the lack of consistency with reference to the use of "state" and "jurisdiction" in §§ 47.16, 48.17 and 49.18. The HPLC also asked if the use of the word "state" includes a United States territory, possession or the District of Columbia. Section 1991 of 1 Pa.C.S. (relating to definitions) provides that the word "state" "[w]hen used in reference to the different parts of the United States, includes the District of Columbia and the several territories of the United States." To address the inconsistency pointed out by the HPLC, the Board amended all three sections to eliminate the use of the term "jurisdiction" in favor of "state" because that is the term used in Act 68 and defined in 1 Pa.C.S. § 1991.

Finally, the Independent Regulatory Review Commission (IRRC) submitted three comments for the Board's consideration. First, IRRC pointed out that deleting "3 years or" from § 47.12c(a)(5) would be inconsistent with the act. IRRC suggested that the Board retain this phrase and provide in the paragraph what is considered to be 3 years of experience acceptable to the Board to qualify the applicant for licensure. The Board's intent in eliminating "3 years or" was to avoid absurd interpretations by applicants who claim that they have completed 3 years of supervised clinical experience and therefore have met the statutory requirements for licensure when the applicant could demonstrate significantly less than 3,600 hours over the 3-year period. Taken to its extreme, an applicant could argue that they did 1 hour of supervised clinical experience each year for 3 years and should, therefore, qualify for licensure under the act. Standards for obtaining licensure should not be open to absurd interpretations. Section 1922(1) of 1 Pa.C.S. (relating to presumptions in ascertaining legislative intent) provides that "the General Assembly does not intend a result that is absurd . . . or unreasonable." In addition, it could not possibly have been the legislative intent to require similarly situated applicants to complete vastly differing amounts of supervised clinical experience. A majority of states that license clinical social workers require at least 3,000 hours of supervised clinical experience as a prerequisite to licensure. That is why an applicant for licensure by endorsement is also required to have completed at least 3,000 hours of supervised clinical experience. For these reasons, the Board sought to clarify the legislative intent by deleting from the regulations "3 years or" which has caused significant confusion for many years. However, in response to IRRC's comment, the Board has retained the phrase and, as suggested, added a sentence

clarifying that “3 years of supervised clinical experience” means three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements in § 47.12c(b).

IRRC also asked for an explanation of the need to amend the limit on the number of hours that can be counted in a 12-month period from 1,800 to 1,500. As previously discussed, the Board reconsidered its position in response to the comments by NASW-PA and IRRC and amended the final-form rulemaking to retain the 1,800-hour limit. Finally, like the HPLC, IRRC asked the Board to clarify its use of the word “state” and “jurisdiction” in the final-form rulemaking. As previously noted, the Board amended the final-form rulemaking to eliminate the use of “jurisdiction” in favor of the statutory term “state.”

Description of Amendments to the Final Rulemaking

Section 47.12c(a) is amended to retain the requirement that an applicant for licensure as a licensed clinical social worker complete at least “3 years or” 3,000 hours of supervised clinical experience. The Board added a sentence defining what is meant by “3 years of supervised clinical experience” as three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements in subsection (b).

Section 47.12c(b)(9) is amended to retain the upper limit of 1,800 hours of supervised clinical experience that may be credited in any 12-month period. As a result, the proposed amendment to subsection (c) is unnecessary and subsection (c) is being deleted in its entirety.

Sections 47.16(4), 48.17(3) and 49.18(3) are amended to eliminate the use of “jurisdiction” in favor of the statutory term “state,” which the Board interprets as defined in 1 Pa.C.S. § 1991 to include the District of Columbia and the United States territories.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking requires the Board to create new application forms for licensure by endorsement. However, the final-form rulemaking should not create additional paperwork for the private sector with the exception of those individuals who apply for licensure by endorsement. The final-form rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. 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 8, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2131, to IRRC 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, 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 22, 2011, the final-form rulemaking was approved by the HPLC. On July 20, 2011, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 21, 2011, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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 to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 2131.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapters 47, 48 and 49, are amended by amending §§ 47.12c and 47.12d and by adding §§ 47.16, 48.17 and 49.18 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General 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*.

DONNA A. TONREY, LMFT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)

Fiscal Note: Fiscal Note 16A-6916 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 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

LICENSURE

§ 47.12c. Licensed clinical social worker.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Is licensed under the act as a social worker.

(4) Passed the examination required under § 47.11 (relating to licensure examination).

(5) Completed at least 3 years or 3,000 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. For purposes of this paragraph, "3 years of supervised clinical experience" means three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements in subsection (b). Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a (relating to definitions; and qualifications for supervisors).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training, and conforms to the following:

(1) At least 1/2 of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Psychotherapy.
- (iii) Other psychosocial-therapeutic interventions.
- (iv) Consultation.
- (v) Family therapy.
- (vi) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a.

However, at least 1,500 hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall oversee, direct, recommend and instruct the clinical social work activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate another supervisor as a substitute.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 2 weeks written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 50 hours per week during at least a 3 month period or, second, at least 15 hours per week for a period of at least 6 months.

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that at least 500 hours and no more than 1,800 hours may be credited in any 12-month period.

§ 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

* * * * *

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any

hours accumulated for activities not approved by the supervisor will not count toward satisfying the 3,000 hours of supervised experience.

* * * * *

§ 47.16. Licensure by endorsement.

To be issued a license by endorsement without examination as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, that is, as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Passed a clinical social work examination acceptable to the Board. The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction that administered the examination. The applicant shall demonstrate that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth, and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(4) Holds a clinical social work license that is in good standing from another state. The applicant shall provide a letter from the other state's licensing authority where the clinical social worker is licensed certifying licensure and reporting any disciplinary history.

(5) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

LICENSURE

§ 48.17. Licensure by endorsement.

To be issued a license by endorsement without examination as a marriage and family therapist, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 48.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(e)(2) of the act (63 P. S. § 1907(e)(2)) and § 48.13(a)(3) (relating to licensed MFT).

(3) Holds a marriage and family therapy license that is in good standing from another state. The applicant shall provide a letter from the other state's licensing authority where the marriage and family therapist is licensed certifying licensure and reporting any disciplinary history.

(4) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the applicant is currently licensed.

(5) Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of marriage and family therapy for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSURE

§ 49.18. Licensure by endorsement.

To be issued a license by endorsement without examination as a professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(f)(2) of the act (63 P. S. § 1907(f)(2)) and § 49.13(a)(3) (relating to licensed professional counselor).

(3) Holds a professional counselor license that is in good standing from another state. The applicant shall provide a letter from the other state's licensing authority where the professional counselor is licensed certifying licensure and reporting any disciplinary history.

(4) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

(5) Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of professional counseling for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

[Pa.B. Doc. No. 11-1458. Filed for public inspection August 26, 2011, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1187 AND 1189]

Transition to RUG-III Version 5.12 and Latest Assessment

The Department of Public Welfare (Department) amends Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility services) under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 206(2), 403(b) and 443.1). The proposed rulemaking was published at 40 Pa.B. 6525 (November 13, 2010).

Purpose of Final-Form Rulemaking

The purpose of this final-form rulemaking is to amend the payment methodology for Medical Assistance (MA)

nursing facility services to phase-in the use of the Resource Utilization Group III (RUG-III) classification system, version (v.) 5.12 44 Grouper and the most recent classifiable resident assessments in determining the case-mix indices that are used in setting case-mix per diem rates for nonpublic nursing facilities and in making certain incentive payments to county nursing facilities.

This final-form rulemaking is needed to modify the version of the RUG-III classification system used by the Department in the case-mix payment system and in making county nursing facility pay for performance (P4P) payments as a result of the implementation of Minimum Data Set (MDS) 3.0 by the Centers for Medicare and Medicaid Services (CMS), effective October 1, 2010. In addition, the final-form rulemaking will permit the Department to use a more timely measurement of a nursing facility resident's care needs by permitting the use of the most recent classifiable resident assessment of any type when classifying residents into groups and assigning a Case-Mix Index (CMI) score. The proposed rulemaking stated the Department would use the most recent resident assessment of any type. However, the Department has found that not all resident assessments are classifiable under MDS 3.0 as they were under MDS 2.0; therefore, the Department will use the most recent classifiable resident assessment of any type.

The following is a summary of the major provisions in the final-form rulemaking.

§§ 1187.2 and 1187.33 (relating to definitions; and resident data and picture date reporting requirements)—Resident assessment

The Department amended the definition of “resident assessment” in § 1187.2 by deleting “comprehensive” from the definition. Section 1187.33(a)(6) is amended by removing the language regarding Medicare assessments.

Nursing facilities are required to conduct and electronically submit assessments other than “comprehensive assessments” for their residents. These assessments contain all MDS data elements needed to calculate each resident's RUG category and CMI score. When these assessments are completed after the latest comprehensive assessment, they provide more current information on a resident's condition and care needs than the resident's “comprehensive assessment.”

The Department determines the RUG category and CMI score for each nursing facility resident using the assessment data from the resident's most recent comprehensive MDS assessment as submitted by the nursing facility. Using the CMI scores calculated for each resident, the Department calculates a total facility CMI score and a facility MA CMI score for each nursing facility and a Statewide average MA CMI score.

Rather than continuing to use older assessment data to determine a resident's RUG category and CMI score, the Department is amending its regulations to require use of the most recent classifiable assessment of any type for each resident, whether the assessment is comprehensive, effective July 1, 2010. This change will enable the Department to make acuity adjustments and P4P payments using the most up-to-date resident data available without additional administrative burdens or costs to either nursing facilities or the Department.

The CMI scores will be used to calculate the total facility CMIs and the MA CMIs for setting nonpublic nursing facility rates effective on and after July 1, 2010. In addition, the CMI scores will be used in determining

which county nursing facilities are eligible to receive P4P payments beginning with the July 1—September 30, 2010, P4P payment period.

§ 1187.93 (relating to CMI calculations) and Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system)—Case-mix classification tool

CMS developed a new version of the MDS resident assessment, MDS 3.0, which nursing facilities participating in the Medicare or MA Program, or both, were required to use effective October 1, 2010. The new version of the MDS has been designed to improve the reliability, accuracy and usefulness of the assessment tool, to include the resident in the assessment process and to incorporate the use of standard protocols used in other health care settings. According to CMS, the enhanced accuracy of the MDS 3.0 will improve clinical assessments and bolster programs that rely on the MDS for assessing the needs of consumers.

The MDS 3.0 assessment does not contain all the elements necessary for resident classification with the RUG-III v. 5.01 44 Grouper, which has been used to set nonpublic nursing facility rates since January 1, 1996. CMS no longer supports this Grouper with implementation of MDS 3.0. The Department changed the Grouper used in determining nursing facility residents' CMI scores effective for rate setting periods on and after July 1, 2010, to the RUG-III v. 5.12 44 Grouper. This RUG-III version, which is compatible with the MDS 3.0, is based on updated time studies conducted in 1995 and 1997 and reflects changes in nursing facility resident conditions and care since the original studies conducted in 1990. The combination of the use of the latest classifiable assessment to more accurately measure current resident acuity and a classification system based on more recent time studies will result in better distribution of scarce MA resources.

The Department amended § 1187.93 and Chapter 1187, Appendix A to reflect both the associated Nursing Only CMI scores established by CMS for the RUG-III v. 5.12 44 Grouper classification system and the CMI scores normalized for nursing facilities in this Commonwealth. Normalization of CMI scores is a common process used by states when implementing a RUG-III based case-mix payment system or when changing to a new RUG version. Scores are normalized so that the average Statewide CMI score equals 1.00. The normalized CMI scores the Department will use range from 0.48 to 1.75.

The Department will use the RUG-III v. 5.12 44 Grouper classification system in determining the CMIs of residents of both nonpublic and county nursing facilities. The CMI scores will be used to calculate the total facility CMIs and the MA CMIs used in setting nonpublic nursing facility rates effective on and after July 1, 2010. In addition, the CMI scores are used in determining which county nursing facilities are eligible to receive P4P payments beginning with the July 1—September 30, 2010, P4P payment period. The CMIs include the February 1, 2010, picture date total facility CMI and MA CMI; the total facility CMI for the February 1 picture dates from all of the cost report periods of the MA cost reports used in the July 1, 2010, rate setting database; the MA CMIs from the May 1, 2010, picture date, the August 1, 2010, picture date, the November 1, 2010, picture date; and the total facility CMIs and MA CMIs for all subsequent picture dates.

§ 1187.96 (relating to price- and rate-setting computations)—Phase-In—RUG-III v. 5.12 44 Grouper and the most recent resident assessment

The Department recognizes that the change in RUG-III Grouper and use of the most recent classifiable resident assessment of any type may cause a reduction in per diem rates for some nonpublic nursing facilities. Because there may be an adverse impact on nonpublic nursing facilities, the Department is applying a 3-year phase-in for the transition to the RUG-III v. 5.12 44 Grouper and the use of the most recent classifiable resident assessment for rate setting periods beginning July 1, 2010, and ending June 30, 2013. Phasing in the amendments provides nursing facilities the opportunity to gain competency using MDS 3.0 and become familiar with the new RUG-III Grouper and resident assessment selection process. The Department amended § 1187.96 to specify that for July 1, 2010, through June 30, 2013, unless the nursing facility is a new facility, the resident care rate that the Department will use to establish a nursing facility's case-mix per diem rate will be a blended resident care rate that will consist of a portion of a 5.01 resident care rate and a portion of a 5.12 resident care rate.

A phase-in provision, however, will not be applied to new nonpublic nursing facilities since the phase-in period is for a transition from one system to another. Therefore, the Department amended § 1187.97 (relating to rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities) to specify that new facilities will be assigned a Statewide average MA CMI calculated using the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent classifiable assessments. When a new nursing facility's assessment data is used in a rate determination the CMI values used to determine the new nursing facility's total facility CMIs and MA CMIs will be the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent classifiable assessment.

§ 1189.105 (relating to incentive payments)—County nursing facilities—P4P payments

The Department calculates MA CMI scores for county nursing facilities and uses the scores in determining which county nursing facilities are eligible to receive quarterly P4P payments. To be eligible for a P4P payment, a county nursing facility must meet the definition of a "county nursing facility" at the time the quarterly P4P payment is being made. In addition, the county nursing facility's MA CMI for a picture date must be higher than the facility's MA CMI for the previous picture date. Since county nursing facility MA CMIs are used only for this limited purpose, the Department will not provide for a phase-in of the changes. The Department amended § 1189.105 to specify that, in determining whether a county nursing facility qualifies for a quarterly P4P incentive for P4P periods beginning on and after July 1, 2010, the facility's MA CMI for a picture date equals the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date and an MA resident's CMI is calculated using the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent classifiable assessment of any type for the resident.

Affected Individuals and Organizations

This final-form rulemaking affects nonpublic nursing facilities enrolled in the MA Program and county nursing facilities that seek to qualify for P4P payments under § 1189.105(b).

Accomplishments and Benefits

This final-form rulemaking benefits MA nursing facility residents in this Commonwealth by assuring they will continue to have access to medically necessary nursing facility services while providing for reasonable and adequate payments to MA nursing facility providers consistent with the fiscal resources of this Commonwealth.

Fiscal Impact

There is no fiscal impact for Fiscal Year 2010-2011. The fiscal impact will remain budget neutral as long as the budget adjustment factor (BAF) is reauthorized. The fiscal impact after 2010-2011 makes the assumption that the BAF is not reauthorized beyond June 30, 2011. The implication of the change of the 5.12 is that nursing facilities' rates would be reduced by approximately \$166.912 million (\$74.994 million in State funds) on an annual basis.

Paperwork Requirements

There are no new or additional paperwork requirements.

Public Comment

The Department received one public comment letter from PANPHA, an association of Pennsylvania nonprofit aging services providers. The Independent Regulatory Review Commission (IRRC) also commented on the proposed rulemaking.

Discussion of Comments and Major Changes

Following is a summary of the comments received during the public comment period following publication of the proposed rulemaking and the Department's responses to those comments. A summary of major changes from proposed rulemaking is also included.

General—Use of RUG-III v. 5.12 44 Grouper and Most Recent Assessment

PANPHA is generally supportive of using the RUG-III v. 5.12 44 Grouper and the most recent assessment for rate-setting to better align resources with the most recently available data. PANPHA commented that while this change may have a negative short-term effect on some nursing facilities, residents should ultimately benefit by more accurately measuring resident acuity and, therefore, better reflect the needs and necessary resources than the current regulations.

Response

The Department recognizes that with almost 600 nonpublic nursing facilities enrolled in the MA Program, these changes may have a negative short-term effect on some nursing facilities. However, the 3-year phase-in, suggested by the industry, for the transition to the RUG-III v. 5.12 44 Grouper and the use of the most recent classifiable resident assessment should mitigate any adverse effect and provide nursing facilities the opportunity to gain competency using MDS 3.0 and become familiar with the new RUG-III Grouper and resident assessment selection process. Moreover, the combination of the use of the latest assessment to more accurately measure current resident acuity and a classifi-

cation system based on more recent time studies will ultimately result in better distribution of the scarce MA resources.

General—Phasing-in Reimbursement Changes

PANPHA also supports the concept of phasing-in the reimbursement changes. However, PANPHA asked that the Department and stakeholders continue to monitor and address the effects of the new system and the phase-in to determine if any of these components cause a degree of variability that is too unpredictable for effective operation of facilities or that cause other unanticipated adverse effects.

Response

The Department will review the regulations on an ongoing basis to ensure compliance with Federal and State law and to assess the appropriateness and effectiveness of the regulations. In addition, if specific regulatory issues are raised by the Medical Assistance Advisory Committee (MAAC) and the Long-Term Care Delivery System Subcommittee of the MAAC, those issues will be researched and addressed as needed. The Department will also monitor the impact of the regulations through regular audits and utilization management reviews to determine the effectiveness of the regulations with respect to consumers of long-term care services and the industry.

§§ 1187.93, 1187.96 and 1187.97, Chapter 1187, Appendix A and § 1189.105—Implementation procedures

IRRC asked that the Department clarify how the new rates will occur retroactive to July 1, 2010.

Response

Currently, nonpublic nursing facilities enrolled in the MA program are being paid at their respective April 1, 2010, rates. The Department submitted a State Plan Amendment (SPA) to CMS to phase-in the use of the most recent classifiable resident assessments and the RUG-III classification system v. 5.12 44 Grouper in determining nursing facility residents' CMIs used in setting case-mix per diem rates for nonpublic nursing facilities and in making P4P incentive payments to county nursing facilities. The SPA was approved by CMS on October 27, 2010. Once this final-form rulemaking is promulgated, the Department will prepare rate adjustments retroactive to July 1, 2010, under §§ 1187.96 and 1187.97. A rate adjustment schedule will be sent by e-mail to the nursing facility providers and nursing facility associations and will be posted to the Department's web site. In addition, files will be created for the time periods (quarters) to be adjusted and will be loaded into PROMISE (claims processing system). Based on these files, a remittance advice will be generated for each nursing facility provider and the Treasury Department will generate the appropriate payment to the nursing facility providers.

Retroactive payments will not be made to county nursing facilities as a result of this final-form rulemaking. Under existing § 1189.105(b), incentive payments are made in accordance with the formula and qualifying criteria in the Commonwealth's State Plan. The Department submitted a SPA containing the formula as provided in amended § 1189.105(b). This SPA was approved by CMS on October 27, 2010. Therefore, payments were made in accordance with the approved State Plan and retroactive payments are not necessary.

Additional Changes

As previously stated, the Department has found that not all resident assessments are classifiable under MDS 3.0 as they were under MDS 2.0. Therefore, the Department changed the language to "the most recent classifiable resident assessment of any type." In addition, the Department made a correction to § 1187.97(1)(i)(A). This section incorrectly cited § 1187.96(s)(5) instead of § 1187.96(a)(5). The Department also eliminated the numbering of the paragraphs in § 1189.105(b) to clarify that the items are not mutually exclusive and the P4P incentive payment is dependent upon an approved state plan.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 16, 2011, the Department submitted a copy of the final-form rulemaking to IRRC and the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 20, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 21, 2011, and approved the final-form rulemaking.

Findings

The Department finds that:

- (1) Public notice of intention to amend the administrative regulation by this order has been given 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) Adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under sections 201(2), 206(2), 403(b) and 443.1 of the code, orders that:

- (a) The regulations of the Department, 55 Pa. Code Chapters 1187 and 1189, are amended by amending §§ 1187.2, 1187.33 and 1187.93 and Chapter 1187, Appendix A to read as set forth at 40 Pa.B. 6525 and by amending §§ 1187.96, 1187.97 and 1189.105 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Secretary of the Department shall submit this order, 40 Pa.B. 6525 and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.
- (c) The Secretary of the Department shall certify and deposit this order, 40 Pa.B. 6525 and Annex A with the Legislative Reference Bureau as required by law.

(d) This order shall take effect retroactive to July 1, 2010.

GARY D. ALEXANDER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)

Fiscal Note: Fiscal Note 14-520 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter G. RATE SETTING

§ 1187.96. Price- and rate-setting computations.

(a) Using the NIS database in accordance with this subsection and § 1187.91 (relating to database), the Department will set prices for the resident care cost category.

(1) The Department will use each nursing facility's cost reports in the NIS database to make the following computations:

(i) The total resident care cost for each cost report will be divided by the total facility CMI from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year.

(ii) The case-mix neutral total resident care cost for each cost report will be divided by the total actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year.

(iii) The Department will calculate the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility.

(2) The average case-mix neutral resident care cost per diem for each nursing facility will be arrayed within the respective peer groups, and a median determined for each peer group.

(3) For rate years 2006-2007, 2007-2008, 2009-2010, 2010-2011 and 2011-2012, the median used to set the resident care price will be the phase-out median as determined in accordance with § 1187.98 (relating to phase-out median determination).

(4) The median of each peer group will be multiplied by 1.17, and the resultant peer group price assigned to each nursing facility in the peer group.

(5) The price derived in paragraph (4) for each nursing facility will be limited by § 1187.107 (relating to limitations on resident care and other resident related cost centers) and the amount will be multiplied each quarter by the respective nursing facility MA CMI to determine the nursing facility resident care rate. The MA CMI picture date data used in the rate determination are as follows: July 1 rate—February 1 picture date; October 1 rate—May 1 picture date; January 1 rate—August 1 picture date; and April 1 rate—November 1 picture date.

(6) For rate years 2010-2011, 2011-2012 and 2012-2013, unless the nursing facility is a new nursing facility, the

resident care rate used to establish the nursing facility's case-mix per diem rate will be a blended resident care rate.

(i) The nursing facility's blended resident care rate for the 2010-2011 rate year will equal 75% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (iv) plus 25% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (iv).

(ii) The nursing facility's blended resident care rate for the 2011-2012 rate year will equal 50% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (v) and 50% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (v).

(iii) The nursing facility's blended resident care rate for the 2012-2013 rate year will equal 25% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (v) and 75% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (v).

(iv) For the rate year 2010-2011, each nursing facility's blended resident care rate will be determined based on the following calculations:

(A) For the first quarter of the rate year (July 1, 2010—September 30, 2010), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a 5.12 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values the Department will use to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93 (relating to CMI calculations), will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent classifiable resident assessment of any type.

(II) The Department will calculate a 5.01 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values the Department will use to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.01 44-group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent comprehensive resident assessment.

(III) The nursing facility's blended resident care rate for the quarter beginning July 1, 2010, and ending September 30, 2010, will be the sum of the nursing facility's 5.01 resident care rate multiplied by 0.75 and the nursing facility's 5.12 resident care rate multiplied by 0.25.

(B) For the remaining 3 quarters of the 2010-2011 rate year (October 1 through December 31; January 1 through March 31; April 1 through June 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a quarterly adjusted 5.12 resident care rate for each nursing facility in accordance with paragraph (5). The CMI values used to determine each nursing facility's MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent classifiable resident assessment of any type.

(II) The Department will calculate a quarterly adjusted 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior quarter 5.01 resident care rate by the percentage change between the nursing facility's current quarter 5.12 resident care rate and the nursing facility's previous quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current quarter 5.12 resident care rate by the nursing facility's previous quarter 5.12 resident care rate.

(III) The nursing facility's blended resident care rate for the 3 remaining quarters of the rate year will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.75 and the nursing facility's quarterly adjusted 5.12 resident care rate multiplied by 0.25.

(v) For rate years 2011-2012 and 2012-2013, each nursing facility's blended resident care rate will be determined based on the following calculations:

(A) For the first quarter of each rate year (July 1—September 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a 5.12 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values used to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent classifiable resident assessment of any type.

(II) The Department will calculate a 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior April 1st quarter 5.01 resident care rate by the percentage change between the nursing facility's current 5.12 resident care rate and the nursing facility's prior April 1st quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current 5.12 resident care by the nursing facility's April 1st quarter 5.12 resident care rate.

(III) The nursing facility's blended resident care rate for the quarter beginning July 1, 2011, and ending September 30, 2011, will be the sum of the nursing facility's 5.01 resident care rate multiplied by 0.50 and the nursing facility's 5.12 resident care rate multiplied by 0.50.

(IV) The nursing facility's blended resident care rate for the quarter beginning July 1, 2012, and ending September 30, 2012, will be the sum of the nursing facility's 5.01 resident care rate multiplied by 0.25 and the nursing facility's 5.12 resident care rate multiplied by 0.75.

(B) For the remaining 3 quarters of each rate year (October 1 through December 31; January 1 through March 31; April 1 through June 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a quarterly adjusted 5.12 resident care rate for each nursing facility in accordance with paragraph (5). The CMI values used to determine each nursing facility's MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent classifiable resident assessment of any type.

(II) The Department will calculate a quarterly adjusted 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior quarter 5.01 resident care rate by the percentage change between the nursing facility's current quarter 5.12 resident care rate and the nursing facility's previous quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current quarter 5.12 resident care rate by the nursing facility's previous quarter 5.12 resident care rate.

(III) For the remaining 3 quarters of rate year 2011-2012 (October 1 through December 31; January 1 through March 31; April 1 through June 30), each nursing facility's blended resident care rate will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.50 and the nursing facility's quarterly adjusted 5.12 resident care rate multiplied by 0.50.

(IV) For the remaining 3 quarters of rate year 2012-2013 (October 1 through December 31; January 1 through March 31; April 1 through June 30), each nursing facility's blended resident care rate will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.25 and the facility's quarterly adjusted 5.12 resident care rate multiplied by 0.75.

(7) Beginning with rate year 2013-2014, and thereafter, the Department will calculate each nursing facility's resident care rate in accordance with paragraphs (1)—(5). The CMI values used to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent classifiable resident assessment of any type.

* * * * *

(e) The following applies to the computation of nursing facilities' per diem rates:

(1) The nursing facility per diem rate will be computed by adding the resident care rate, the other resident related rate, the administrative rate and the capital rate for the nursing facility.

(2) For each quarter of the 2006-2007 and 2007-2008 rate-setting years, the nursing facility per diem rate will be computed as follows:

(i) *Generally.* If a nursing facility is not a new nursing facility or a nursing facility experiencing a change of ownership during the rate year, that nursing facility's resident care rate, other resident related rate, administrative rate and capital rate will be computed in accordance with subsections (a)—(d) and the nursing facility's per diem rate will be the sum of those rates multiplied by a budget adjustment factor determined in accordance with subparagraph (iv).

(ii) *New nursing facilities.* If a nursing facility is a new nursing facility for purposes of § 1187.97(1) (relating to rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities) that nursing facility's resident care rate, other resident related rate, administrative rate and capital rate will be computed in accordance with § 1187.97(1), and the nursing facility's per diem rate will be the sum of those rates multiplied by a budget adjustment factor determined in accordance with subparagraph (iv).

(iii) *Nursing facilities with a change of ownership and reorganized nursing facilities.* If a nursing facility under-

goes a change of ownership during the rate year, that nursing facility's resident care rate, other resident related rate, administrative rate and capital rate will be computed in accordance with § 1187.97(2), and the nursing facility's per diem rate will be the sum of those rates multiplied by a budget adjustment factor determined in accordance with subparagraph (iv).

(iv) *Budget adjustment factor.* The budget adjustment factor for the rate year will be determined in accordance with the formula set forth in the Commonwealth's approved State Plan.

(3) For rate years 2010-2011, 2011-2012 and 2012-2013, unless the nursing facility is a new nursing facility, the nursing facility per diem rate will be computed by adding the blended resident care rate, the other resident related rate, the administrative rate and the capital rate for the nursing facility.

§ 1187.97. Rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities.

The Department will establish rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities as follows:

(1) *New nursing facilities.*

(i) The net operating portion of the case-mix rate is determined as follows:

(A) A new nursing facility, unless a former county nursing facility, will be assigned the Statewide average MA CMI until assessment data submitted by the nursing facility under § 1187.33 (relating to resident data and picture date reporting requirements) is used in a rate determination under § 1187.96(a)(5) (relating to price- and rate-setting computations). Beginning, July 1, 2010, the Statewide average MA CMI assigned to a new nursing facility will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent classifiable assessments of any type. When a new nursing facility has submitted assessment data under § 1187.33, the CMI values used to determine the new nursing facility's total facility CMIs and MA CMI will be the RUG-III version 5.12 44 group values and the resi-

dent assessment that will be used for each resident will be the most recent classifiable assessment of any type.

(B) For a former county nursing facility, the county nursing facility's assessment data and MA CMI will be transferred to the new nursing facility.

(C) The nursing facility will be assigned to the appropriate peer group. The peer group price for resident care, other resident related and administrative costs will be assigned to the nursing facility until there is at least one audited nursing facility cost report used in the rebasing process. Beginning July 1, 2010, a new nursing facility will be assigned the peer group price for resident care that will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent classifiable assessments of any type.

* * * * *

CHAPTER 1189. COUNTY NURSING FACILITY SERVICES

Subchapter E. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS

§ 1189.105. Incentive payments.

* * * * *

(b) *Pay for performance incentive payment.* The Department will establish pay for performance measures that will qualify a county nursing facility for additional incentive payments in accordance with the formula and qualifying criteria in the Commonwealth's approved State Plan. For pay for performance payment periods beginning on or after July 1, 2010, in determining whether a county nursing facility qualifies for a quarterly pay for performance incentive, the facility's MA CMI for a picture date will equal the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date. An MA resident's CMI will be calculated using the RUG-III version 5.12 44 group values in Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system) and the most recent classifiable assessment of any type for the resident.

[Pa.B. Doc. No. 11-1459. Filed for public inspection August 26, 2011, 9:00 a.m.]

PROPOSED RULEMAKINGS

GAME COMMISSION

[58 PA. CODE CH. 137]

Wildlife; Chronic Wasting Disease

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 28, 2011, meeting to amend § 137.34 (relating to Chronic Wasting Disease and emergency authority of Director) to update its terminology and procedures to be consistent with the Commonwealth's Interagency Chronic Wasting Disease Response Plan.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 28, 2011, meeting of the Commission. Comments can be sent, until September 27, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The recent discovery of Chronic Wasting Disease in a free-ranging deer in Allegany County, Maryland, just over 10 miles from the Pennsylvania border, prompted a review and updating of the Commonwealth's Interagency Chronic Wasting Disease Response Plan. This update necessitates amending § 137.34 to bring the terminology and procedures in the regulation in line with the response plan.

Section 322(c)(9) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 137.34 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 137.34 by adding language to update its terminology and procedures to be consistent with the Commonwealth's Interagency Chronic Wasting Disease Response Plan.

3. Persons Affected

Persons wishing to import, hunt, feed, possess or rehabilitate deer within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-330. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.34. Chronic Wasting Disease and emergency authority of Director.

(a) [The Director has emergency authority to remove protection on cervids, prohibit any new permits to possess live cervids in containment areas, and order the disposal of certain cervids or their parts in containment areas, if the Director determines the spread of Chronic Wasting Disease (CWD) poses a threat to human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth in accordance with the CWD response plan.

(1) If the Director removes the protection on cervids in containment areas, except for animals or their parts submitted for laboratory analysis, it is unlawful to:

(i) Remove any cervid carcasses or certain parts from the containment areas.

(ii) Possess or transport any live cervids contrary to 3 Pa.C.S. Chapter 23, Subchapter C (relating to detection, containment or eradication of certain diseases) within the containment areas.

(2) Nothing in this subsection prevents removal of dried or cured skins of cervids from the areas where the protection has been removed, only if removal poses no threat to other areas of this Commonwealth.

(b) The Director has emergency authority to control the spread of CWD by banning the importation of certain cervid parts from other states or nations.

(c) The Director has emergency authority to ban the feeding of cervids within the containment area to prevent the congregation or habituation to an area by cervids that could spread CWD.]

The Director has emergency authority to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of Chronic Wasting Disease (CWD), if the Director concludes that the spread of CWD poses a threat to human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth.

(1) The Director has emergency authority to:**(i) Prohibit the importation of high risk cervid parts from areas that are known to harbor CWD.****(ii) Define and designate Disease Management Areas (DMAs) in this Commonwealth.****(2) The Director has emergency authority within designated DMAs to:****(i) Allow the taking of cervids without regard to established seasons and bag limits and methods of take.****(ii) Require mandatory checking of hunter-killed cervids.****(iii) Prohibit the removal of high risk cervid parts.****(iv) Prohibit the rehabilitation of cervids.****(v) Prohibit the use, collection, possession and exportation of cervid urine-based attractants.****(vi) Prohibit the feeding of cervids.****(vii) Prohibit new permits to possess or transport live cervids.****(b) It is unlawful for a person to violate a provision of an Executive Order issued by the Director under the authority of this section.**

[Pa.B. Doc. No. 11-1460. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 901]

Local Option Small Games of Chance

The Department of Revenue (Department), under authority in section 9 of the Local Option Small Games of Chance Act (10 P. S. § 319), proposes to amend Chapter 901 (relating to local option small games of chance) to read as set forth in Annex A.

Purpose of Proposed Rulemaking

This rulemaking is proposed to amend Chapter 901 to improve the clarity and effectiveness of the Department's regulations regarding games of chance. In addition, the Department is proposing to add sections regarding the assignment of a game of chance form number by registered manufacturers to identify a specific and distinct game of chance.

Explanation of Regulatory Requirements

Amendments to § 901.1 (relating to definitions) are proposed for clarity to the definitions of "chance," "pull-tab" and "punch." Two new definitions are added for "form number" to identify a specific and distinct game of chance and "sale" to explain that the term includes both sale and resale.

The proposed amendment to § 901.23(a)(2) (relating to restriction of sales) adds the following clarifying language: "the Department has approved for use" in this Commonwealth. In addition, amendments have been made to subsection (b) to clarify "for sale or use" in this Commonwealth.

Section 901.116 (relating to change in ownership or personnel) is proposed to be rescinded. This section is superseded by § 901.103a (relating to change of application information), which became effective on August 12, 2006.

Proposed amendments to § 901.117(a) (relating to denial, notice of violation and revocation) add new language to outline the actions for mandatory denial and revocation. Current subsection (a) is renumbered as subsection (b), renamed from "manufacturer registration certificate" to "discretionary denial and revocation" and enhanced with clarifying terms. Current subsection (b) is renumbered as subsection (c) and the name is shortened to "game of chance." Current subsection (c) is renumbered as subsection (d) with clarifying language added to paragraph (1). Subsection (d) is renumbered as subsection (e).

Proposed § 901.117a(a) (relating to registration following denial or revocation) outlines reapplying after a denial. The current language in this section is renumbered as subsection (b), titled "revocations." The period of time manufacturers are ineligible to apply for and receive another certificate following revocation is also proposed to be amended.

Section 901.143 (relating to restrictions on distributorship interest) is amended to expand subsection (b) on pecuniary interest.

Proposed amendments to § 901.151 (relating to denial, notice of violation and revocation of licenses) add clarifying language to new subsection (a), which outlines the actions for mandatory denial and revocation. The current language in subsection (a) is renumbered as subsection (b), renamed from "distributor license" to "discretionary denial and revocation" and language regarding a notice of violation is proposed to be deleted. The current subsection (b) is renumbered as subsection (c) and amended with clarifying terms. The current subsection (c) is renumbered as subsection (d).

Proposed amendments to § 901.151a(a) (relating to licensing following denial or revocation) add language to outline reapplying after a denial. The current language in this section is lettered as subsection (b), titled "revocations" and the period of time distributors are ineligible to apply for and receive another certificate following revocation is amended.

Section 901.425 (relating to records) is amended to clarify documentation on sales invoices. The second sentence in paragraph (1)(iv) is deleted and rewritten in more detail in paragraph (1)(v). Paragraphs (1)(v)—(viii) are renumbered as paragraph (1)(vii)—(ix).

Section 901.445 (relating to records) is amended to add language addressing invoice requirements for the selling of games of chance to another Pennsylvania licensed distributor or a Pennsylvania licensed eligible organization. Paragraph (1)(v) and (vi) is new. Current paragraph (1)(v)—(viii) is renumbered as paragraph (1)(vii)—(ix).

Section 901.601(c) (relating to uniform minimum quality standards) is amended by clarifying language regarding pull-tabs. In addition, subsection (c)(1) is renumbered as subsection (c). Current subsection (c)(2) is renumbered as subsection (d) and enhanced with more details regarding sub-deals. Subsections (e) and (f), regarding separate and distinct pull-tabs and contingent purchases, are proposed to be added.

Proposed § 901.610 (relating to pull-tab count) references § 901.731(g) (relating to punchboard and pull-tab operation).

Section 901.632 (relating to predetermination of rules, winning chances and prizes) has been amended to include two subsections. Proposed subsection (a) contains the current language and the insertion of "for sale or use in this Commonwealth." Proposed language in subsection (b) is added to further explain predetermination at the manufacturer level.

Proposed § 901.634 (relating to game of chance form numbers) is added to explain the rules regarding the assignment of a form number for each game of chance by a registered manufacturer. An example has also been included.

Proposed language in § 901.709(a) (relating to one eligible organization and license per premises) clarifies that only one license may be issued for each licensed premise. Subsection (b) is created with the first sentence of the existing language under this section. Proposed subsection (c) contains the remaining sentences currently in this section and is enhanced with a sentence that explains that an eligible organization that permits the use of its premises shall comply with § 901.510 (relating to use of licensed premises by more than one organization).

Section 901.731(g) is proposed to be amended by editing language and inserting a reference to proposed § 901.610.

Affected Parties

Manufacturers and distributors of games of chance doing business in this Commonwealth, licensing authorities and eligible organizations may be affected by the proposed rulemaking.

Fiscal Impact

The Department has determined that the proposed rulemaking, which provides clarification of existing policy, will have minimal fiscal impact on the Commonwealth.

Paperwork

The proposed rulemaking will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. A sunset date has not been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061 within 30 days after publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 2011, 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 Committee on Finance and the Senate Committee on Finance. In addition to submitting the amendment, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." 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.

DANIEL MEUSER,
Secretary

Fiscal Note: 15-451. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART VII. LOCAL OPTION SMALL GAMES OF CHANCE

CHAPTER 901. LOCAL OPTION SMALL GAMES OF CHANCE

Subchapter A. GENERAL PROVISIONS

DEFINITIONS

§ 901.1. Definitions.

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

* * * * *

Chance—A right purchased for consideration to participate in a game for a prize **or prizes** offered in the game, which right is represented by a tangible item such as a **pull-tab, punch, ticket, document, paper or other similar item.**

* * * * *

Form number—A unique number or alphanumeric code assigned by the manufacturer to identify a specific and distinct game of chance.

* * * * *

Pull-tab—A game piece representing a single chance in a pull-tab game made completely of paper or paper products with concealed numbers or symbols that must be exposed by the player to determine wins or losses.

* * * * *

Punch—A crimped strip of paper or similar material that is enclosed in a punchboard receptacle [**and**] representing a single chance in a punchboard that contains either a winning or losing number or symbol printed on one side and a serial number printed on the other.

* * * * *

Sale—The term includes both sale and resale.

* * * * *

GENERAL APPLICABILITY

§ 901.23. Restriction of sales.

(a) *Manufacturers.*

* * * * *

(2) *Sales.* A registered manufacturer may only sell, offer for sale or furnish games of chance that [**have been approved by the Department for sale**] the **Department has approved for use** in this Commonwealth. A registered manufacturer may only sell, offer for

sale or furnish approved games of chance for sale or use in this Commonwealth to a licensed distributor. This paragraph does not apply to the sale of raffle, daily drawing or weekly drawing tickets.

(b) *Distributors.*

(1) *Licensure.* A distributor shall apply for and obtain from the Department a distributor license to sell, offer for sale or furnish games of chance for sale or use in this Commonwealth. This paragraph does not apply to distributors that only sell, offer for sale or furnish raffle, daily drawing or weekly drawing tickets.

(2) *Sales.* A licensed distributor may only sell, offer for sale or furnish approved games of chance [for use] within this Commonwealth to another licensed distributor or to a licensed eligible organization. This paragraph does not apply to the sale of raffle, daily drawing or weekly drawing tickets.

(3) *Purchase.* A licensed distributor may only purchase approved games of chance for [resale] sale in this Commonwealth from a registered manufacturer or licensed distributor. This paragraph does not apply to the purchase of raffle, daily drawing or weekly drawing tickets.

* * * * *

**Subchapter B. LICENSING AND REGISTRATION
MANUFACTURER REGISTRATION**

§ 901.116. [Change in ownership or personnel] (Reserved).

[The manufacturer shall make a written report to the Department of changes of responsible persons engaged in the business of the manufacturer. This report shall also include a change in the management, ownership, directorship or equity ownership of 10% or more, and a change in the manufacturer's representatives. The report shall be filed on September 15.]

§ 901.117. Denial, notice of violation and revocation.

(a) [*Manufacturer registration certificate.*] *Mandatory denial and revocation.* The Department will deny a manufacturer's application for registration and certificate and will revoke a registration and certificate if the applicant or registered manufacturer fails to do one or more of the following:

- (1) File a complete application.
- (2) File required State tax reports.
- (3) Pay any State tax liability that is not subject to a timely administrative or judicial appeal or is not subject to and not in default of a duly authorized deferred payment plan.

(b) *Discretionary denial and revocation.* The Department may deny [an] a manufacturer's application for registration and a certificate [, issue a notice of violation] or revoke a registration and certificate if the manufacturer or a person required to be identified in the application form commits one or more of the following acts:

* * * * *

[(b)] (c) *Game of chance [approval].* The Department may deny an application for a game of chance approval. The Department may issue a notice of violation

for or revoke an approved game of chance if the game of chance fails to meet the requirements of the act or this part. The Department may revoke its approval of a game if the Department determines that the approval was issued in error.

[(c)] (d) *Notice of violation.*

(1) [A] **The Department may issue a notice of violation [is issued]** to notify a registered manufacturer of a violation of the act or this part and to provide the manufacturer with an opportunity to remedy the violation. A manufacturer retains the privileges conferred on it by its certificate or game approval during the notice period and may continue to sell games of chance in this Commonwealth.

* * * * *

[(d)] (e) *Notice.*

* * * * *

§ 901.117a. Registration following denial or revocation.

(a) *Denial.* Unless otherwise provided by the act or this part, a manufacturer whose application for a manufacturer's registration certificate is denied may reapply as follows:

(1) If the denial is the result of an incomplete application, the manufacturer may reapply at any time after the denial by filing a complete application.

(2) If the denial is a result of the manufacturer's violation of the act or this part, the provision in subsection (b) related to revocations applies.

(b) *Revocations.* Unless otherwise provided by the act or this part, a manufacturer whose registration and certificate are revoked is ineligible to reapply for registration and another certificate as follows:

(1) [A manufacturer whose certificate is revoked is ineligible to apply for and receive another certificate for the remaining registration term or] For the first revocation, 6 months [, whichever is longer].

(2) For a second revocation, [the manufacturer is ineligible to apply for and receive another certificate for the remaining registration term as well as the following registration term] 18 months.

(3) For a third and subsequent revocation, [the manufacturer is ineligible to apply for and receive another certificate for] 30 months.

DISTRIBUTOR LICENSING

§ 901.143. Restrictions on distributorship interest.

* * * * *

(b) A person who is an officer, director, proprietor, consultant, employee or owner of a distributorship may not have a pecuniary interest in the operation of games of chance. For purposes of this section, a pecuniary interest is the actual or potential for an accession to wealth, whether cash or property, resulting from the play and operation of a game of chance. It includes an interest resulting from one of the following acts:

(1) The sale of a game of chance in exchange for a contingent fee based upon a percentage of the proceeds from chances sold in or prizes awarded in the game.

(2) A lease of a dispensing machine in which the rental is based upon the number of games purchased by the eligible organization, the percentage of proceeds from chances sold or prizes awarded in games of chance.

* * * * *

§ 901.151. Denial, notice of violation and revocation of licenses.

(a) [Distributor license.] Mandatory denial and revocation. The Department will not approve an application for a distributor license and will revoke a license if the applicant or licensed distributor fails to do one of the following:

- (1) File a complete application.
(2) File required State tax reports.
(3) Pay any State tax liability that is not subject to a timely administrative or judicial appeal or is not subject to and not in default of a duly authorized deferred payment plan.

(b) Discretionary denial and revocation. The Department may deny a license application[, issue a notice of violation] or revoke a license if the distributor or a person required to be identified in the application form commits one of the following acts:

* * * * *

[(b)] (c) Notice of violation.

(1) [A] The Department may issue a notice of violation [is issued] to notify a licensed distributor of a violation of the act or this part and to provide the distributor with an opportunity to remedy the violation. A distributor retains the privileges conferred on it by its license during the notice period and may continue to sell games of chance in this Commonwealth.

* * * * *

[(c)] (d) Notice.

* * * * *

§ 901.151a. Licensing following denial or revocation.

(a) Denial. Unless otherwise provided by the act or this part, a distributor whose application for a distributor's license is denied may reapply as follows:

- (1) If the denial is the result of an incomplete application, the manufacturer may reapply at any time after the denial by filing a complete application.
(2) If the denial is a result of the manufacturer's violation of the act or this part, the provision in subsection (b) related to revocations applies.

(b) Revocations. Unless otherwise provided by the act or this part, a distributor whose license is revoked is ineligible to apply for and receive another license as follows:

- (1) [A distributor whose license is revoked is ineligible to apply for and receive another license for the remaining license term or] For the first revocation, 6 months[, whichever is longer].

(2) For a second revocation, [the distributor is ineligible to apply for and receive another license for the remaining license term as well as the following license term] 18 months.

(3) For a third and subsequent revocation, [the distributor is ineligible to apply for and receive another license for] 30 months.

Subchapter D. RECORDKEEPING

MANUFACTURING RECORDS AND REPORTS

§ 901.425. Records.

A record must include the following:

(1) Sales invoices. A manufacturer shall record every sale, return or other type of transfer of games of chance to a Pennsylvania registered manufacturer or Pennsylvania licensed distributor by completing a sales invoice or credit memo. An invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using at least four digits. Manufacturers may use a computer generated numbering system if the same system is used for all sales and specific numbers cannot be input by use of a manual terminal or other device. The invoice must contain the following information:

* * * * *

(iv) The description of each item sold, including serial numbers for pull-tabs and form number. [Each game listed on the invoice that the Department has approved for sale in this Commonwealth must be clearly noted.] The games may be listed in separate attachment identifying the form numbers and serial numbers.

(v) For sales to a Pennsylvania registered manufacturer or Pennsylvania licensed distributor, the manufacturer shall indicate on the invoice each game that the Department has approved and not approved for sale in this Commonwealth.

(vi) The quantity and sale price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull-tabs.

[(vi)] (vii) The gross amount of each sale to each customer, including discount terms and the total dollar amount of a discount.

[(vii)] (viii) The total amount of the invoice.

[(viii)] (ix) The distributor license number.

* * * * *

DISTRIBUTOR RECORDS AND REPORTS

§ 901.445. Records.

A record must include the following:

(1) Sales invoices. A distributor shall record every sale, return or other type of transfer of games of chance to a Pennsylvania licensed distributor or a Pennsylvania licensed eligible organization by completing a standard sales invoice or credit memo. An invoice must be prenumbered at the time of purchase. The numbering must be consecutive using at least four digits. The invoice must contain the following information:

* * * * *

(v) For sales to a Pennsylvania licensed distributor, the distributor shall indicate on the invoice

each game that the Department has approved and not approved for sale in this Commonwealth.

(vi) For sales to a Pennsylvania licensed eligible organization, the distributor shall confirm that the Department has approved for sale in this Commonwealth each game listed on the invoice and provide a written statement on the invoice affirming that each game listed on the invoice has been approved for sale in this Commonwealth. A Pennsylvania licensed distributor may not sell (and therefore invoice) a game that the Department has not approved for sale in this Commonwealth to a licensed eligible organization. See § 901.23(b)(2) (relating to restriction of sales).

(vii) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull-tabs.

[(vi)] (viii) The gross amount of each sale to each licensed eligible organization, including all discount terms and the total dollar amount of any discount.

[(vii)] (ix) The total amount of the invoice.

[(viii)] (x) The ideal prizes per game.

* * * * *

Subchapter F. MANUFACTURING STANDARDS

PULL-TAB MANUFACTURING STANDARDS

§ 901.601. Uniform minimum quality standards.

* * * * *

(c) *Randomization.*

[(1)] Pull-tabs in a deal must be distributed and mixed among all other pull-tabs in a deal so as to eliminate any pattern in the location of a **particular pull-tab, including** winning and losing pull-tabs, in a deal or between deals.

[(2)] (d) *Sub-deals.* A deal in a pull-tab game may not be segregated into sub-deals or portions [so that a]. A pull-tab game may not be manufactured so that a part of a deal may be distinguished or played separately from the rest of the deal in the pull-tab game.

(e) *Separate and distinct pull-tabs.* Each pull-tab in a deal of a pull-tab game must be produced as a separate and distinct chance that can be purchased separately from all other pull-tabs in the deal. A pull-tab may not be attached or connected to another pull-tab in a deal if the pull-tabs attached or connected can be sold separately. Nothing in this subsection shall be construed to prohibit a pull-tab from containing winning and losing numbers or symbols that are concealed by multiple break-open windows, banded tickets or stapled tickets or other similar concealment methods.

(f) *Contingent purchases.* A pull-tab game may not be manufactured that makes the purchase of one pull-tab contingent upon the purchase of another pull-tab, chance or item.

§ 901.610. Pull-tab count.

(a) A pull-tab deal in a pull-tab game may not contain more than 4,000 individual pull-tabs. See also § 901.731(g) (relating to punchboard and pull-tab operation).

(b) A pull-tab will be counted towards the number of individual pull-tabs in a deal if the pull-tab represents a separate and distinct chance in the pull-tab game that can be purchased separately from other chances in the pull-tab game.

GENERAL MANUFACTURING STANDARDS

§ 901.632. Predetermination of rules, winning chances and prizes.

(a) Except as provided in § 901.731(b)(2) (relating to punchboard and pull-tab operation), a registered manufacturer of a pull-tab game or punchboard for sale or use in this Commonwealth shall predetermine the rules, prize structure, prizes, prize values, winning pull-tabs or punches and the corresponding prize for each pull-tab or punch during the manufacturing of the pull-tab game or punchboard. A person may not alter a pull-tab game or punchboard manufactured by a registered manufacturer and offered for sale and use within this Commonwealth.

(b) A registered manufacturer may not produce a pull-tab game or punchboard for sale or use in this Commonwealth that permits the operator of or a participant in the game to choose between optional game rules, payout structures or methods of operating the game.

§ 901.634. Game of chance form numbers.

(a) A registered manufacturer shall assign a separate and distinct form number for each game of chance produced for sale or use in this Commonwealth. A variation in the form number indicates a separate and distinct game.

(b) All aspects of a game to which a form number has been assigned must be identical. This includes the following:

- (1) The name of the game and its exact spelling, graphics, winning and losing numbers and symbols.
- (2) The number of chances.
- (3) The sale price for each chance.
- (4) The rules of play.
- (5) The total prize payout structure.
- (6) The exact prize payout for each winning chance.

Example. A registered manufacturer produces a game with the name “Lucky Sevens” and Form #LS-1500. The deal for the game consists of 1,500 pull-tab tickets (and therefore chances) each sold at \$1. The game has an ideal prize payout of 81.333% if all the tickets are sold and all prizes are claimed (that is, the game pays out \$1,220 of the \$1,500 proceeds from the sale of all tickets). The game has 50 instant winners that pay out a total of \$720 (3 at \$100, 3 at \$50, 4 at \$25 and 10 at \$10, 10 at \$5 and 20 at \$1). The game also has ten hold tickets with a chance at a seal prize of \$500. Every game produced with the Form #LS-1500 must be designated with the name “Lucky Sevens” and must be identical including the prize payout percentage, total payout and prize structure in this example. There may not be any variation. For example, the manufacturer could not replace the four \$25 instant winner tickets with ten more instant winners at \$10 each. The manufacturer could produce this game but it would require a separate and distinct form number.

**Subchapter G. OPERATION OF GAMES
ELIGIBLE ORGANIZATION OPERATION OF
GAMES**

§ 901.709. One eligible organization and license per premises.

(a) Only one license may be issued for each licensed premises.

(b) Only one licensed eligible organization may use a licensed premise to conduct games of chance.

(c) A licensed eligible organization may allow another licensed eligible organization that does not own or lease a normal business premises to conduct games of chance on its premises. When an eligible organization uses the premises of another eligible organization, each eligible organization shall notify its respective licensing authority and district attorney in writing at least 10 days prior to using the premises. **An eligible organization that**

permits the use of its premises shall comply with § 901.510 (relating to use of licensed premises by more than one organization).

**PUNCHBOARD AND PULL-TAB OPERATION
PROCEDURES**

§ 901.731. Punchboard and pull-tab operation.

* * * * *

(g) A person may not [sell or transfer to another person in this Commonwealth, for use within this Commonwealth, or] put out for public play[,] a pull-tab deal [which] that contains more than 4,000 individual pull-tabs [or 4,000 stapled packets of jar tickets]. See also § 901.610 (relating to pull-tab count).

[Pa.B. Doc. No. 11-1461. Filed for public inspection August 26, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Thousand Cankers Disease

Recitals

A. Thousand Cankers Disease (TCD), a disease complex that kills walnut trees, *Juglans spp.*, has been detected in the Commonwealth. There is no cure for a tree once it is infected. The fungus *Geosmithia morbida* is vectored by the walnut twig beetle, *Pityophthorus juglandis*, causing small cankers under the bark of the tree. The beetle introduces the fungus while it tunnels beneath the bark. As more beetles attack the tree, the number of cankers increases until they coalesce to girdle twigs and branches, restricting movement of nutrients and eventually killing the tree. Thousand Cankers Disease has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the act (3 P. S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares TCD, the fungus *Geosmithia morbida* and the walnut twig beetle, *Pityophthorus juglandis*, to be plant pests.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed incorporated into this Order by reference, the Department orders the following:

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Bucks County.

2. *Regulated Articles and Limitations Imposed.* The following objects or materials are considered regulated articles under this Quarantine Order and may not be moved out of the quarantined area, unless done in accordance with Paragraph 3 of this Order:

- Any life stage of the walnut twig beetle, *Pityophthorus juglandis*.
- The fungal pathogen, *Geosmithia morbida*.
- Firewood of any non-coniferous (hardwood) species.
- All plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, firewood, and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.
- Any other article or means of conveyance when it is determined by an inspector to present a risk of spread of Thousand Cankers Disease.

Specific exemptions include nuts, nut meats, hulls, processed lumber (which is one hundred percent bark-free and kiln-dried, with squared edges) and finished wood products without bark, including walnut furniture, instruments, and other items derived from the genus *Juglans*.

3. *Movement of regulated articles from quarantined areas.* A regulated article described in Paragraph 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 or Paragraph 6 of this Order. The valid certificate or limited permit shall be attached to the regulated article as set forth in Paragraph 5 of this Order.

b. Without a certificate or limited permit attached and issued in accordance with the provisions of Paragraph 4 of this Order if:

i. The regulated article is moved by the United States Department of Agriculture or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40°F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the TCD; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by TCD; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

iii. A USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Movement of Articles.* The Department or a person operating under a compliance agreement, as set forth in Paragraph 6 of this Order, may issue a certificate or limited permit authorizing the movement of articles described in Paragraph 2 of this Order if it is satisfied that all of the following criteria are accurate and will be met:

a. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of TCD; and

b. The article is either of the following:

i. The article is apparently free of TCD, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading TCD; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance

written permission), and this movement will not result in the spread of TCD because TCD will be destroyed by the specific processing, handling or utilization.

5. *Documentation to Accompany Articles in Movement from the Quarantined Area.* If an article described in Paragraph 2 of this Order is to be moved from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph 6 of this Order) certificate or limited permit securely attached to the article itself, the container carrying the article, or to the consignee's copy of the accompanying waybill at all times during movement. The description of the article on the certificate or limited permit, and on the waybill, shall be sufficient to identify the regulated article. The carrier shall furnish the certificate or limited permit authorizing the movement of the article to the consignee at the destination of the shipment. The carrier and the consignor shall keep a copy of the certificate or limited permit. All such records shall be maintained by the consignee, consignor and carrier for a period of 2 years. Such records shall be made available to the Department for inspection upon request.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met all of the requirements of Paragraph 4 of this Order.

7. *Cancellation of a Certificate, Limited Permit or Compliance Agreement.* Any certificate or limited permit or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit or the Compliance Agreement has not complied with a provision of the Act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

8. *Prohibited entry into Pennsylvania.* The movement of a regulated article, as set forth in Paragraph 2 of this Order, originating in states known to have Thousand Cankers Disease, or from any other area of the United States where Federal or State plant regulatory officials have determined Thousand Cankers Disease to be present, is prohibited unless prior written approval is issued by the Department. States with known areas of infestation of TCD include, but are not limited to, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Tennessee, Utah, Virginia, and Washington.

Consideration by the Department for entry of a regulated article into Pennsylvania will be given if:

- The plant regulatory agency of the State of origin issues a document certifying that the article is apparently free of TCD, based on inspection; or that the article has

been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the state regulatory agency, prevents the article from presenting a risk of spreading TCD; or

- The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of TCD because TCD will be destroyed by the specific processing, handling or utilization; or

- The movement of the regulated article is for research purposes to a facility with appropriate containment conditions; and

- The regulated article will be moved in a manner consistent with the provisions of Paragraph 3(b)(ii) of this Order; and

- The regulated article will be identified, moved and recorded in a manner consistent with the provisions of Paragraph 5 of this Order.

Any person or business receiving regulated articles from outside the Commonwealth under this provision who finds that the article does not fully meet the requirements of this provision shall report that information or observations to the Department immediately upon discovery.

9. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.

10. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at Pennsylvania Department of Agriculture, Bureau of Plant Industry, Attention: Dana Rhodes, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, danrhodes@pa.gov.

11. *Violations.* In accordance with the provisions of section 258.22 if the act (3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order.

12. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

13. *Cooperation with other agencies.* As authorized by section 258.26 of the act (3 P.S. § 258.26), the Department will consult with other State agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect TCD to slow the spread or eradicate this pest.

14. *Effective Date.* This quarantine is effective as of August 10, 2011, and shall remain in effect until rescinded by subsequent order.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 11-1462. Filed for public inspection August 26, 2011, 9:00 a.m.]

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 9, 2011.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-5-2011	GNB Financial Services, Inc. Gratz Dauphin County Application for approval to acquire 100% of The Herndon National Bank, Herndon.	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-25-2011	Graystone Tower Bank Lancaster Lancaster County	330 York Road Carlisle Cumberland County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
8-2-2011	Moonlight Credit Union Worthington Armstrong County	<i>To:</i> 101 Deer Park Road Worthington Armstrong County <i>From:</i> 218 East Main Street Worthington Armstrong County	Filed

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. 11-1463. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062375 (Sewage)	Stone Hedge Sewer Company, Inc. 4 Hollowcrest Corners Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Unnamed Tributary to Osterhout Creek (Mill Run) (4-G)	Y

<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>
PA0040444 (Sewage)	Pocono Mountain School District (Swiftwater Campus) School Road Swiftwater, PA 18370	Monroe County Pocono Township	Swiftwater Creek (1-E)	Y

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

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

PA800001, Storm Water, SIC Code 4213, **FedEx National LTL, Inc.**, 2200 Forward Drive DC: 2219, Harrison, AR 72601. Facility Name: FedEx Chester Springs Facility. This proposed facility is located in Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed 3-H and is classified for High Quality Waters—Trout Stocking and Mi, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Iron	XXX	XXX	XXX	XXX	XXX	7.0

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

- Remedial Measures
- Change of Ownership
- TMDL/WLA Analysis
- IMAX Limits on DMRs
- Stormwater Discharge
- Stormwater Outfall Locations
- Laboratory Certification

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

The EPA Waiver is in effect.

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

PA0062464, Sewage, SIC Code 4941, **Pennsylvania American Water Company**, 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701. Facility Name: Blue Mountain Lake Wastewater Treatment Plant. This existing facility is located in Stroud Township, **Monroe County**.

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

The receiving stream(s), Sambo Creek, is located in State Water Plan watershed 1-E and is classified for aquatic life (CWF, MF), 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 0.275 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>Instant. Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.1
CBOD ₅						
May 1 - Oct 31	22.9	XXX	XXX	10.0	XXX	20.0
Nov 1 - Apr 30	45.8	XXX	XXX	20.0	XXX	40.0

<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>Instant. Maximum</i>	
Total Suspended Solids	68.8	XXX	XXX	30.0	XXX	60.0
Total Dissolved Solids	XXX	XXX	XXX	1000	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Nitrate-Nitrite as N	XXX	XXX	XXX	9.5	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	4.6	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	13.8	XXX	XXX	6.0	XXX	12.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	XXX

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

- Delaware River Basin Commission requirements

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

The EPA Waiver is in effect.

PA0046272, Sewage, SIC Code 4952, **Porter Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980. Facility Name: Porter Tower WWTP. This existing facility is located in Porter Township, **Schuylkill 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), Wiconisco Creek, is located in State Water Plan watershed 6-C 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 0.43 MGD (interim) and an increased flow of 0.722 MGD (final).

<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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.0	XXX	2.0
CBOD ₅						
(Interim)	90	143	XXX	25	40	50
(Final)	150	241	XXX	25	40	50
Total Suspended Solids						
(Interim)	108	161	XXX	30	45	60
(Final)	181	271	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen					
(Interim)	Report	Report			
(Final)	Report	7854			
Net Total Phosphorus					
(Interim)	Report	Report			
(Final)	Report	1047			

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

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

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

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

- Chesapeake Bay Nutrient Monitoring Requirements
- Chesapeake Bay Schedule
- Provisions to recognize TN and TP offsets in the amount of 2068 lbs/yr TN and 274 lbs/yr TP upon connection of the Williams Valley High School to Porter Tower Joint Municipal Authority's sewerage system.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is not in effect.

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

Application No. PA0248746, Concentrated Animal Feeding Operation (CAFO), Country View Family Farms, LLC, 1301 Fulling Mill Road, Suite 3000, Middletown, Pennsylvania 17057.

Country View Family Farms, LLC has submitted an application for an Individual NPDES permit for an expanding CAFO known as New Hope Sow Farm, located at 23177 Back Road, Concord, Pennsylvania 17217 in Fannett Township, **Franklin County**.

The CAFO is situated near an UNT to Doylestown Stream in Watershed 12-B, which is classified for cold water fishery. The CAFO will be designed to maintain an animal population of approximately 2,715.95 animal equivalent units (AEUs) consisting of 5,880 sows, 2,000 gilts, and 15 boars. Manure will be collected and stored in concrete underneath storage. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PAS113502, Storm Water, SIC Code 3829, 3844, **General Electric Inspection Tech**, 50 Industrial Park Road, Lewistown, PA 17044. Facility Name: General Electric Inspection Tech LP. This proposed facility is located in Lewistown Borough, **Mifflin County**.

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

The receiving stream(s), Unnamed Tributary of Juniata River, is located in State Water Plan watershed 12-A and is classified for High Quality Waters-Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Parameters*	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

* The permittee may conduct an annual inspection using the Annual Inspection Form (3800-PM-WSWM0083v) in lieu of annual monitoring for the parameters listed above.

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.

PA0008303, Industrial Waste, SIC Code 3312, **ArcelorMittal Steelton LLC**, 215 S Front Street, Steelton, PA 17113-2594. Facility Name: ArcelorMittal Steelton Steel Manufacturing Plant. This existing facility is located in Steelton Borough, **Dauphin County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-C 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 22.6 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	105	XXX
Total Suspended Solids						
Effluent Net	XXX	XXX	XXX	30	60	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	75
Oil and Grease	XXX	XXX	XXX	Report	Report	25
Oil and Grease						
Effluent Net	XXX	XXX	XXX	10	15	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for stormwater Outfall 002, 003, 005, 006, 008, and 015 are.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
pH (S.U.)	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	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 are.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids						
Effluent Net	967	2,590	XXX	Report	Report	XXX

NOTICES

<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 Suspended Solids	Report	Report	XXX	Report	Report	57
Oil and Grease	Report	Report	XXX	Report	Report	12.5
Oil and Grease Effluent Net	217	574	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 201 are.

<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	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Lead	0.16	0.48	XXX	Report	Report	XXX
Effluent Net	0.16	0.48	XXX	Report	Report	XXX
Total Lead	Report	Report	XXX	Report	Report	0.42
Total Zinc	Report	Report	XXX	Report	Report	0.64
Total Zinc Effluent Net	0.24	0.73	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 301 are.

<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	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Lead	0.15	0.47	XXX	XXX	XXX	XXX
Effluent Net	0.15	0.47	XXX	XXX	XXX	XXX
Total Lead	Report	Report	XXX	Report	Report	1.40
Total Zinc	Report	Report	XXX	Report	Report	2.12
Total Zinc Effluent Net	0.23	0.71	XXX	Report	Report	XXX

The proposed effluent limits for Intake 401 are.

<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 Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001 Intake 401.

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

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2012. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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

- Requirements Applicable to Stormwater Outfalls
- Controlling Chemical Additives Usage Rates

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

The EPA Waiver is not in effect.

PA0080225, Sewage, SIC Code 4952, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503. Facility Name: Washington Township STP. This existing facility is located in Washington Township, **Franklin County**.

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

The receiving stream(s), East Branch Antietam Creek, is located in State Water Plan watershed 13-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 1.85 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	385	617	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	462	694	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1—Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1—Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1—Oct 31	64	XXX	XXX	4.2	XXX	8.4
Nov 1—Apr 30	194	XXX	XXX	12.6	XXX	25
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Net Total Nitrogen (Interim)	Report	Report			
(Final)	Report	35,983			
Net Total Phosphorus (Interim)	Report	Report			
(Final)	Report	4,724			

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

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

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

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

- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

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

PA0234087, CAFO, 0213, 0211, **Philip D. Courter**, 6527 Jacksonville Road, Mill Hall, PA 17751-8876. This proposed facility is located in Porter Township, **Clinton County**.

Description of Proposed Activity: New CAFO operation due to expansion of an existing swine and beef facility near Mill Hall, PA. The farm consists of 20 cow/calf pairs and 4600 finishing hogs for a total of 690.01 AEUs. The farm consists of 160 acres which includes about 22 acres of pasture land, about 124 acres of cropland, and the balance is in farmstead and woods. The excess manure will be exported to a nearby farm. The beef herd produces 129 tons of solid manure per year and the hogs produce 1.6 MG of liquid manure per year. The hog manure is stored in two underbarn concrete pits and a round concrete pit for a total storage of 1.86 MG.

The receiving stream, Cedar Run, is in the State Water Plan Watershed 09C (Beech Creek) and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling
4. Erosion & Sedimentation Control Plan requirements for stormwater during construction activities
5. Animal mortality handling and disposing requirements
6. Certification requirements for manure storage facilities
7. Requirements for storage of feed and other raw materials
8. Best Management Practices requirements.
9. Manure that is stockpiled for 15 consecutive days or longer shall be under cover or otherwise stored to prevent discharge to surface water during a storm event up to and including the appropriate design storm for that type of operation under § 91.36(a)(1) and (5) (relating to pollution control and prevention at agricultural operations).
10. The permittee shall maintain a minimum of 6 inches freeboard at the hog barn underbarn liquid manure storage structures at all times. The permittee shall maintain a minimum of 1 foot freeboard at the round, concrete manure storage facility at all times.

11. If the permittee exports manure, then the permittee shall complete the Manure Exportation Report form and submitted it to the Department with the CAFO Quarterly Self-Inspection Report.

The EPA waiver will not be in effect.

PA0114472, Sewage, SIC Code 4952, **Cherry Township Sullivan County**, 11961 Route 87, Dushore, PA 18614-7440. Facility Name: Cherry Township Board of Supervisors Wastewater Treatment Plant. This existing facility is located in Cherry Township, **Sullivan 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), Birch Creek, is located in State Water Plan watershed 10-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.07 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly Report	Weekly Average Report Daily Max	Minimum	Average Monthly Report	Weekly Average	Instant. Maximum
Flow (MGD)	XXX	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.0	XXX	2.3
(Final)	XXX	XXX	XXX	Report	XXX	0.05
CBOD ₅	14.5	23	XXX	25	40	50
Total Suspended Solids	17	26	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	6.0	9.0	XXX	11	16	22

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

The EPA Waiver is in effect.

PA0036820, Sewage, SIC Code 4952, **Galeton Borough Authority Potter County**, 4 Sherman Street, Galeton, PA 16922-1318. Facility Name: Galeton Borough Authority Sewer System STP. This existing facility is located in Galeton Borough, **Potter 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), Pine Creek, is located in State Water Plan watershed 9-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly Report	Weekly Average Report Daily Max	Minimum	Average Monthly Report	Weekly Average	Instant. Maximum
Flow (MGD)	XXX	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	0.05
CBOD ₅	100	165	XXX	25	40	50
Total Suspended Solids	125	185	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	50	75	XXX	12	18	24

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

Parameters	Mass (lbs)		Concentration (mg/l)		
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen					
(Interim)	Report	Report			
(Final)	Report	9,132			
Net Total Phosphorus					
(Interim)	Report	Report			
(Final)	Report	1,218			

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. 0911201, Sewerage, **Waste Management Disposal Services of Pennsylvania Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067.

This proposed facility is located in Falls Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a new leachate treatment system with surface water discharge.

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

WQM Permit No. 5211401, Sewerage, **Mesivta Eitz Chaim of Bobov**, 1577 48th Street, Brooklyn NY 11219

This proposed facility is located in Delaware Twp., **Pike County**, PA.

Description of Proposed Action/Activity: This project involves construction of a sewage treatment plant and a spray irrigation system with a design capacity of 6000 gallons per day.

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

WQM Permit No. 3611201, CAFO, **H. Glenn Esbenshade**, Esbenshade Farms, 220 Eby Chiquies Road, Mount Joy, PA 17552.

This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a 1.26 MG HPDE-lined earthen egg wash water storage pond.

WQM Permit No. 3611202, **Andrew Harpster**, Evergreen Farms, 3102 Evergreen Lane, Spruce Creek, PA 16683.

This proposed project is located in Franklin Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/Operation of a circular concrete manure storage tank.

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

WQM Permit No. 0211404, Sewerage, **Lawrence Taylor**, 4600 Laurel Avenue, Grants Pass, OR 97527

This proposed facility is located in Penn Hills Borough, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of a single residence 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 1505015-R	Robert Cook 303 Oxford Road Oxford, PA 19363	Chester	East Nottingham Township	Unnamed Tributary West Branch Big Elk Creek (HQ-TSF-MF)
PAI01 151123	Remo Toto PO Box 870 Avondale, PA 19311	Chester	Upper Oxford Township	Unnamed Tributary East Branch Big Elk Creek (HQ-TSF-MF)
PAI01 151124	Laurel Woodman, LP 14 Spring Mill Lane Collegeville, PA 19426	Chester	North Coventry Township	Pigeon Creek (HQ-TSF)

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

Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433 570-281-9495

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006(3)	Scranton Lackawanna Industrial Building Company 533 Spruce Street Scranton PA 18503 And Verus Partners LLC 3815 River Crossing Parkway, Su. 100 Indianapolis, IN 46240	Lackawanna	Jessup Boro	Lackawanna River (HQ-CWF, MF) Grassy Island Creek (HQ-CWF, MF)

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0321-11-002	Carlisle Barracks 150 Youth Center Site Atlantic Marine Construction John Shepard 3465 Chandler Creek Road Virginia Beach, VA 23453	Cumberland County	Carlisle Borough	Letort Spring Run HQ-CWF, MF

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041711002	PA DCNR—Moshannon Forest District 3372 State Park Rd Penfield, PA 18849	Clearfield	Lawrence Township Pine Township	Lick Run Fork Run Moose Creek Stony Run Anderson Creek Alex Branch Little Laurel Run Saunders Run All HQ

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

Allegheny County Conservation District, 400 North Lexington Street, Pittsburgh PA 15208 (412-241-7645)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050211001	Aerotech, Inc. 101 Zeta Drive Pittsburgh, PA 15238-2897	Allegheny	O'Hara Township	Squaw Run (HQ)

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724-378-1701)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050411003	Blackhawk School District 500 Blackhawk Road Beaver Falls, PA 15010	Beaver	Chippewa Township	North Fork Little Beaver Creek (HQ-CWF)

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052611002	PennDot District 12-0 PO Box 459 825 North Gallatin Avenue Uniontown, PA 15401	Fayette	Springfield Township	Indian Creek (CWF) Mill Run (HQ-CWF)
PAI052611003	Deer Lake Improvement Association 464 Meadow Run Trail Chalk Hill, PA 15470	Fayette	Wharton Township	Meadow Run (HQ-CWF)
PAI052611004	National Pike Water Authority P. O. Box 10 Markleysburg, PA 15459	Fayette	Wharton & Henry Clay Townships	Meadow Run, Deadman Run, & Braddock Run (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055611005	GBT Realty Corp. 201 Summit View Drive, Suite 110 Brentwood, TN 37027	Somerset	Confluence Borough	Laurel Hill Creek, (HQ-CWF)

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301. (724-228-6774)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056311003	Washington County 100 West Beau Street Suite 701 Washington, PA 15301	Washington	Hopewell Township	Cross Creek (HQ-WWF)

Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601. (724-837-5271)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056511005	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Laughlintown Run and Naugle Run (HQ-CWF)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Elk County Conservation District, Elk Courthouse Annex, 300 Center St, PO Box 448, Ridgeway PA 15853*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0624 11 003	US Army Corps of Engineers, Pittsburgh District 2200 W.S. Moorhead Federal Bldg 1000 Liberty Avenue Pittsburgh PA 15222-4186	Elk	Jones Township	East Branch Clarion River / Upper Clarion River Watershed HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Charlie Plushanski Plushanski Farms, Inc. 166 Rahn Road, Kutztown, PA 19530	Berks	288.1	677.0	dairy	NA	Renewal
Aaron Martin North End View Farm 1383 River Road, Mohrsville, PA 19541	Berks	220.1	342.55	broiler	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0911538 Public Water Supply

Applicant	Aqua Pennsylvania, Inc.
Township	Bristol
County	Bucks
Responsible Official	Joseph Thurwanger 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS

Application Received Date May 19, 2011
 Description of Action Installation of new high head pumps at the existing Croyden Booster Pump Station and relocation of existing pumps to a pre-packaged booster on same side.

Application No. 2311503 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**
 Township Newtown
 County **Delaware**
 Responsible Official Joseph Thurwanger
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Application Received Date May 9, 2011

Description of Action Replacement of 3 pumps and internal piping at Mitchell Booster Pump Station.

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

Permit No. 3811503, Public Water Supply.

Applicant **Myerstown Water Authority**
 Municipality Jackson Township
 County **Lebanon**
 Responsible Official John S Brown III, Assistant Secretary/Business Manger
 101 East Washington Avenue
 Myerstown, PA 17067

Type of Facility Public Water Supply
 Consulting Engineer Farley F Fry, P.E.
 Hanover Engineering Associates, Inc.
 20-C Snyder Lane
 Ephrata, PA 17522-9101

Application Received: 6/27/2011
 Description of Action Discontinuation of drinking water fluoridation.

Permit No. 6711512, Public Water Supply.

Applicant **Red Lion Municipal Authority**
 Municipality Windsor Township
 County **York**
 Responsible Official Keith Kahwajy, Superintendent
 PO Box 190 Center Square
 Red Lion, PA 17356

Type of Facility Public Water Supply
 Consulting Engineer Jamie R. Shambaugh, P.E.
 Gannett Fleming, Inc.
 PO Box 67100
 Harrisburg, PA 17106-7100

Application Received: 8/3/2011
 Description of Action Treatment Plant Upgrades.

Permit No. 3611519 A1, Public Water Supply.

Applicant **Northwestern Lancaster County Authority**
 Municipality Penn Township
 County **Lancaster**
 Responsible Official David C McCracken, Chairman
 97 North Penryn Road
 Manheim, PA 17545
 Type of Facility Public Water Supply
 Consulting Engineer Mark L Homan, P.E.
 Becker Engineering LLC
 111 Millersville Road
 Lancaster, PA 17603

Application Received: 8/8/2011
 Description of Action Installation of temporary membrane filtration and nitrate treatment.

Permit No. 36115247, Public Water Supply.

Applicant **Christiana Borough**
 Municipality Christiana Borough
 County **Lancaster**
 Responsible Official LaVerne D Rettew, Manager
 PO Box 135
 Christiana, PA 17509

Type of Facility Public Water Supply
 Consulting Engineer Mark L Homan, P.E.
 Becker Engineering LLC
 111 Millersville Road
 Lancaster, PA 17603

Application Received: 8/9/2011
 Description of Action New Well No. 3

Permit No. 3611528, Public Water Supply.

Applicant **Holtwood MHP**
 Municipality Martic Township
 County **Lancaster**
 Responsible Official Irvin H. Peifer, Owner
 PO Box 506
 Elizabethtown, PA 17022

Type of Facility Public Water Supply
 Consulting Engineer Terrace L Kline, P.E.
 Kline Engineering PC
 449 Cameron Street
 Marysville, PA 17053

Application Received: 8/10/2011
 Description of Action New Well No. 4 and 4-log demonstration of viruses

Permit No. 0611517, Public Water Supply.

Applicant **Green Acres MHP**
 Municipality Greenwich Township
 County **Berks**
 Responsible Official Jeremy Crum, Dep Operator
 1697 Swamp Pike
 Gilbertsville, PA 19525

Type of Facility Public Water Supply

Consulting Engineer George W Ruby, P.E.
Ruby Engineering
3605 Island Club Drive
North Port, FL 34288-6611

Application Received: 7/13/2011

Description of Action Installation of nitrate treatment
and Demonstration of 4-Log
Treatment of Viruses.

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

Permit No. 5611513, Public Water Supply.

Applicant **UMH Properties, Inc.**,
3499 Route 9 North, Suite 3C,
Freehold, NJ 07728

[Township or
Borough] Somerset Township

Responsible Official Jeffrey Yorick, Vice President of
Engineering
UMH Properties, Inc.,
3499 Route 9 North, Suite 3C,
Freehold, NJ 07728

Type of Facility Somerset Estates Mobile Home
Park

Consulting Engineer The EADS Group, Inc.,
450 Aberdeen Drive,
Somerset, PA 15501

Application Received July 25, 2011
Date

Description of Action Construction of a 2,000 gallon
baffled tank and pump.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0211511MA, Minor Amendment.

Applicant **Wilksburg-Penn Joint Water
Authority**,
220 Robinson Boulevard,
Pittsburgh, PA 15221

[Township or
Borough] Borough of Pitcairn and
Monroeville

Responsible Official Anthony Russo, Executive
Director
Wilksburg-Penn Joint Water
Authority,
220 Robinson Boulevard,
Pittsburgh, PA 15221

Type of Facility Water system

Consulting Engineer NIRA Consulting Engineers, Inc.,
950 Fifth Avenue,
Coraopolis, PA 15108

Application Received July 28, 2011
Date

Description of Action Construction of an emergency
interconnection with the
Monroeville Municipal Authority.

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

Application No. 5411506MA

Applicant **Tower City Borough Authority**

[Township or
Borough] Porter Township
Schuylkill County

Responsible Official Kyle Mahoney, Manager
Tower City Borough Authority
P. O. Box 37
219 East Colliery Avenue
Tower City, PA 17980

Type of Facility Community Water System

Consulting Engineer Raelene M. Gabriel, PE
Glace Associates, Inc.
305 Trindle Road
Camp Hill, PA 17011
717-731-1579

Application Received August 5, 2011
Date

Description of Action Application for construction of
additional piping at four (4) well
locations to provide 4-log
inactivation of viruses.

Application No. 3511510MA

Applicant **Aqua Pennsylvania, Inc.**

[Township or
Borough] South Abington Township
Lackawanna County

Responsible Official Patrick R. Burke, Regional
Manager
Northeast & Central Operations
Aqua Pennsylvania, Inc.
1 Aqua Way
White Haven, PA 18661

Type of Facility Community Water System

Consulting Engineer Steven C. Roselle, PE
CET Engineering Services
321 Washington Street
Huntingdon, PA 16652
814-643-8260

Application Received August 10, 2011
Date

Description of Action Application for construction of a
large diameter chlorine contact
pipe at the Chinchilla II well
station to meet requirements for
4-log inactivation of viruses.

Application No. 3911506MA

Applicant **MHC Green Acres, LLC**

[Township or
Borough] Upper Macungie Township
Lehigh County

Responsible Official Larry J. Farkas, PE
Crawley Environmental Services,
Inc.
637 Jeffers Circle
Exton, PA 19341
610-594-0101

Type of Facility Community Water System

Consulting Engineer Same as above

Application Received August 8, 2011
Date

Description of Action Application for modification of conveyance piping between two (2) existing water storage tanks serving Green Acres Mobile Home Park and installation of an additional tank overflow.

Application No. 6611502 MA, Minor Amendment.

Applicant **Eaton Sewer and Water Company**
RR #3, Box 3233
PO Box 316
Nicholson, PA. 18466

[Township or Borough] Eaton Township, **Wyoming County**

Responsible Official Mr. Jack Middleton

Type of Facility Public Water Supply

Consulting Engineer Milnes Engineering, Inc.
c/o Mr. Thomas R. Milnes, PE.
12 Frear Hill Road
Tunkhannock, PA. 18657

Application Received Date 08/11/2011

Description of Action This project provides for the addition of a chlorine contact chamber consisting of 28 LF of 30-in DI pipe and 83 LF of 6-in DI pipe to provide additional chlorination contact time to meet the requirements of the Ground Water Rule.

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:

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

Dennis Crum Property, 1581 Corley Road, Manns Choice, PA, 15550, Juniata Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Dennis Crum, 1581 Corley Road, Manns Choice, PA, 15550, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil. The site will be remediated to the Residential Statewide Health Standard. Site use will remain residential.

Virginia Tressler Property, 3631 New Lancaster Valley Road, Milroy, PA, 17063, Armagh Township, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Virginia Tressler, 3631 New Lancaster Valley Road, Milroy, PA 17063, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heating oil. The site will be remediated to the Residential State Health Standard. Site use will remain residential.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Mark Cromley Excavating Accident, I-180MM6W, Delaware Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Mark Cromley Excavating, 69 Campbell Mill Road, Lewisburg, PA 17837 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, motor oil and hydraulic oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *The Daily Item* on August 1, 2011. The site was and will remain a right-of-way area along the state roadway.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall

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

Rohm and Hass Chemical LLC Philadelphia Plant East Area 2, City of Philadelphia, **Philadelphia County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034, Brandt Butler, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Carl Coker, Dow Chemical Company, 3100 State Road, Croydon, PA 19021 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics and inorganics. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been reported in the *Philadelphia Weekly* on July 6, 2011.

Simone Residence, Norristown Borough, **Montgomery County**. Charles Burger, Mountain Research, LLC. 825 25th Street, Altoona, PA 16602, Jason Bean, Allstate Insurance, 309 Lakeside Drive, Suite 100, Horsham PA 19044 on behalf of Maria Simone c/o Luisa Simone, 221 Bryan road, Norristown, PA 19401 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary to the Notice of Intent to Remediate was to have been reported in the *Times Herald* on June 13, 2011.

3101 West Girard Avenue Lot 2, City of Philadelphia, **Philadelphia County**. Angelo Waters, P.E., Urban Engineers Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Lawrence McKnight, PE, Westrum BT3 L.P., 370 Commerce Drive, Fort Washington, PA 19034, John Mershon on behalf of Westrum BT3 L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pcb. The developer proposes to construct a retail shopping center with parking lots and properly designed landscaped areas. A summary of the Notice of Intent to Remediate was to have been published in the *Philadelphia Daily News* on June 10, 2011.

The Transmontaigne Site, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, William Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, Jon Edelstein, Philadelphia Department of Commerce, 1515 Arch Street, 12th Floor, Philadelphia, PA 19102 on behalf of Elizabeth Gabor, Philadelphia Industrial Development Corporation, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with release of unleaded gasoline and inorganics. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Philadelphia Tribune* on January 4, 2011.

Regency at Packer, City of Philadelphia, **Philadelphia County**. Jeffery K. Walsh, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Bryan Cullen, Westrum Park Place L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of pah. The future use of the site will be residential.

David Property, City of Philadelphia, **Philadelphia County**. Jeffery K. Walsh, P.G., Penn Environmental &

Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Bryan Cullen, Westrum Park Place L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil and groundwater at site has been impacted with the release of diesel fuel. The future use of the site will be residential.

Capozzi Property, City of Philadelphia, **Philadelphia County**. Jeffery K. Walsh, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Bryan Cullen, Westrum Park Place L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of pah. The future use of the site will be residential.

Samuel Gompers Elementary School Property, City of Philadelphia, **Philadelphia County**. David B. Farrington, P.G. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, David Galajda, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Howard R. Heim, St. Joseph's University, 6900 City Avenue, Philadelphia, PA 19131 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil and no. 6 fuel oil. The future use of the site will remain the same.

33-51 East Laurel Street Site, City of Philadelphia, **Philadelphia County**. Bill Kovach, EWMA, 51 Everett Drive Suite A-10, West Windsor, NJ 08550 has submitted a Notice of Intent to Remediate. Soil and groundwater has been impacted with the release of nickels, pce, lead and benzo. The future use of the site will remain same.

114 Leon Avenue Site, Norwood Borough, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 365, Norristown, PA 19401, Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074 on behalf of David Rogers, 114 Leon Avenue, Norwood, PA 19074 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release no. 2 fuel oil. The future use of the site will remain the same.

120 Leon Avenue, Norwood Borough, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 365, Norristown, PA 19401, Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074 on behalf of Kimberly Hurtado, 120 Leon Avenue, Norwood, PA 19074 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release no. 2 fuel oil. The future use of the site will remain the same.

3100 West Thompson Street, City of Philadelphia, **Philadelphia County**. Angelo Water, PE, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Lawrence McKnight, PE., Westrum BT3 L.P. 370 Commerce Drive, Fort Washington, PA 19034 on behalf of John Mershon, Westrum BT3 L.P. 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. The intended future use of the site is condominiums with parking lots and adjacent landscaping.

Ridge Pike Lumber Company, Plymouth Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc, PO Box 370, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site

has been impacted with the release of petroleum. The future use of the site will remain commercial. A summary of the Notice of Intent to Remediate was to have been reported in the *Times Herald* on June 20th, 2011.

Melograna Residence, Pipersville Borough, **Bucks County**. I. Scott Renneisen, P.G., Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Anita Melograna, 22 Ervin Road Pipersville, PA 18947 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The owners intended the future use of the property to remain residential.

Krasny Residence, Lower Makefield Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc, P. O. Box 940, Springhouse, PA 19477 on behalf of Scott Krasny, 1007 Yardley Road, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

905 Montgomery Avenue Site, Lower Merion Township, **Montgomery County**. James Manuel, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142, Brenda Kellogg, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Bee Brahin, Brahin Properties, Inc. 1535 Chestnut Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of inorganics. The future use of the site will remain the same.

Easton Residence, Chadds Ford Township, **Delaware County**. Charles Burger, Mountain Research, LC, 825 25th Street, Altoona, PA 16602, Jim MacMahon, Allstate Insurance Company, 1200 Atwater Drive Suite 110, Malvern, PA 19355 on behalf of Danielle Eaton, 30 Stirling Way, Chadds Ford Township, PA 19317 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Superior Tubes Company, Lower Providence Township, **Montgomery County**. Paul Miller, Environmental Alliance, Inc. 5341 Limestone Road, Wilmington, DE 19808 on behalf of Rick Warren, Superior Tube Company, 100 Front Street, Suite 525, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvent. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Times Herald* on May 26, 2011

The Crossing at Ambler, Ambler Borough, **Montgomery County**. John Eccleston, Caddick Construction Company, Inc., P. O. Box 179, Ambler, PA 19002, David Caddick, Caddick Construction Company, Inc. P. O. Box 179, Ambler, PA 19002 on behalf of Robert Bast, AMA, Inc., Maple and Chestnut Street, Amble, PA 19002; Arnold Frumin, Flangelock/Glide 57 Old Post Road, #2, Greenwich, CT 06830 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of asbestos. The future use of the site will remain the same.

Shehwen Residence, Westtown Township, **Chester County**. Frank Lynch, EnviroLink, Inc., 1635 Daleville Road, Cochranville, PA 19330, Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Richard Krohn and Andre Anderson (Krohn), Krohn Plumbing and Heating /Erie Insurance, 32 Central

Avenue, Berwkyn, PA 19312, John Kosmowsky, Erie Insurance, 1400 North Providence Road, Media, PA 19063 behalf of Bill Shehwen, 1409 Carroll Brown Way, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Daily Local News* on March 10, 2011.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

PAD002312791. Honeywell, Inc., 101 Columbia Road, Morristown, NJ 07962. This Class 1 permit modification application is requesting the approval to the change of the ownership from Sunoco, Inc. (R&M) to Honeywell, Inc. for the Honeywell, Inc.,—Frankford Plant, previously known as Sunoco, Inc. (R&M)—Frankford Plant, an existing facility operating under Part B RCRA hazardous waste permit and located at 4698 Margaret Street, Philadelphia, PA 19137 in the City of Philadelphia. Application received by the Southeast Regional Office on August 5, 2011.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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 17105-8472.

General Permit Application No. WMGM019007. Diamond Mulch, LLC, 121 Brickyard Road, Mars, PA 16046.

General Permit Application Number WMGM019 is for processing for beneficial use the following: wood waste, wood mulching, reuse of concrete and asphalt, as well as, timber waste, leaf and yard waste at the above-stated company site of Mars PA, located in Indiana Township, **Allegheny County**. The application was determined to be administratively complete by the Central Office on August 2, 2011.

Persons interested in reviewing the general permit renewal application and/or providing comments are directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

RESIDUAL WASTE GENERAL PERMITS

Application 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 the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Application No. WMGR133. Global Tungsten & Powders Corp. 1 Hawes Street, Towanda, PA 18848. This application is for processing prior to beneficial use of spent lamp phosphor powder by removing crushed glass and chemically processing the powder to refine valuable rare earth elements for sale as a product or for further refining by other companies. The application was determined to be administratively complete by Central Office on August 8, 2011.

Comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department

regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

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

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

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

09-0196G: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) for construction of fourteen electric melt furnaces and five natural gas-fired melt furnaces exhausting to three baghouses at a new precious metal recovery facility to be in Falls Township, **Bucks County**. This facility is a non-Title V facility, and this Plan Approval is a major modification to and upon issuance will supersede the Plan Approval, No. 09-0196F. This Plan Approval will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations 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

39-309-081: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for an addition of natural gas as a fuel for No. 1 and No. 2 raw mills at their Whitehall Plant in Whitehall Township, **Lehigh County**.

The current emission limits for this source will not change as a result of this modification. The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

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

06-05007N: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) for installing new equipment at their specialty steel alloy facility in the City of Reading, **Berks County**.

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

Plan Approval 06-05007N is for installing a new electroslag remelt (ESR) furnace, a new cut-off saw and new belt polisher all controlled by baghouses and for installing two new natural gas fired annealing furnaces without controls. These new sources shall be subject to and comply with the Department's best available technology (BAT) requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 6 tpy of PM, 6 tpy of NO_x, 7 tpy of CO and 1 tpy of VOC.

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

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

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

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

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

17-00020B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) to replace: 1) the existing 300 ton per hour asphalt drying drum mixer with a new 400 tph asphalt drying drum mixer, 2) the existing

93 MMBtu/hr dryer/mixer burner and associated burner blower with a 120 MMBtu/hr burner and associated burner blower, 3) the existing dust silo with a 1000-barrel dust silo, 4) the existing knock-out box with a new knock-out box, 5) the existing exhaust fan associated with the existing fabric collector with an equivalent exhaust fan, and 6) the existing 4' x 8' double deck screen with a 5' x 12' double deck screen. This plan approval authorizes the use of waste asphalt shingles in the hot mix asphalt, process a combination of RAP and/or asphalt shingles at a rate not to exceed 40% of the total weight of all materials charged into the drum at any time, and to use recycled/reprocessed oil as fuel in the dryer/mixer burner. This plan approval also authorizes the construction of a recycled asphalt pavement (RAP) material handling system that includes seven conveyors, lengthening one conveyor, two single deck screens, one crusher, and one bin. Additionally, this plan approval authorizes the construction of a portable stone crushing and screening plant and associated 400 horsepower diesel engine, construction of a portable stone crushing plant and associated 440 horsepower diesel engine, and the construction of a portable stone screening plant and associated 100 horsepower diesel engine at their Dubois facility (Plant #4) in Sandy Township, **Clearfield County**.

The portable stone crushing and screening plant will be equipped with a water spray dust suppression system for fugitive dust control. The air contaminant emissions from this plant will not exceed 0.4 tons of PM/PM₁₀, 0.47 tons of NO_x, 0.12 tons of CO, 0.16 tons of SO_x, and 0.03 tons of nonmethane hydrocarbons per year. The portable stone crushing plant will be equipped with a water spray dust suppression system for fugitive dust control. The air contaminant emissions from this plant will not exceed 0.07 tons of PM/PM₁₀, 0.77 tons of NO_x, 0.21 tons of CO, 0.17 tons of SO_x, and 0.04 tons of nonmethane hydrocarbons per year. The air contaminant emissions from the portable stone screening plant will not exceed 0.08 tons of PM/PM₁₀, 0.21 tons of NO_x, 0.02 tons of CO, 0.08 tons of SO_x, and zero nonmethane hydrocarbons per year. The 1,000-barrel dust storage silo and associated truck loadout spout will be ducted to an existing fabric collector for PM control. The recycled asphalt pavement bin, crusher, screens, and conveyors will not be equipped with any air cleaning device due to the low associated PM emission potential. The emission of PM from the bin, crusher, screens, and conveyors will be minimal.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1, 40 CFR Section 60.90–60.93, 40 CFR 60.670–60.676, and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed modifications and construction.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Pursuant to 25 Pa. Code Section 127.441, conditions contained in State-only Operating Permit 17-00020 remain in effect unless amended or superseded by a condition contained herein. If there is a conflict between a condition contained herein and a condition contained in

State-only Operating Permit 17-00020, the permittee shall comply with the condition contained herein rather than with the conflicting condition contained in State-only Operating Permit 17-00020.

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, open top trucks loaded with dust from the dust storage silo truck loadout spout shall be tarped, or otherwise covered, during loading and/or the loadout spout shall be monitored and adjusted as necessary during loading such that the bottom of the spout is as close to the top of the material in the truckbed at all times as is reasonably possible. Following the completion of loading, all open top trucks shall be tarped, or otherwise covered, before being moved from the silo area.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the portable stone crushing and screening plant shall be equipped with a water spray dust suppression system incorporating spray nozzles at the inlet and outlet of the crusher, the inlet of the screen and the discharge of the product conveyor. The water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the respective plant is in use. The water spray dust suppression system shall also be equipped with strainers to prevent nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the portable stone crushing and screening plant shall not be operated.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the diesel engine and the portable stone crushing and screening plant shall not operate more than 400 hours in any 12-consecutive month period nor shall it emit more than 2.68 grams of NO_x per brake horsepower-hour, 0.67 grams of CO per brake horsepower-hour, 0.93 grams of SO_x per brake horsepower-hour, 0.07 grams of PM per brake horsepower-hour, and 0.15 grams of nonmethane hydrocarbons per brake horsepower-hour nor shall it emit more than 2.37 pounds of NO_x per hour, 0.59 pounds of CO per hour, 0.82 pounds of SO_x per hour, 0.07 pounds of PM per hour, and 0.13 pounds of nonmethane hydrocarbons per hour.

5. Pursuant to 40 CFR Sections 60.670–60.676, the portable stone crushing and screening plant shall comply with all applicable requirements specified in Subpart OOO of the federal Standards of Performance for New Stationary Sources, 40 CFR Part 60.670 through 60.676 at all times.

6. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the portable stone crushing plant shall be equipped with a water spray dust suppression system incorporating spray nozzles at the inlet and outlet of the crusher and the discharge of the under-crusher conveyor. The water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the respective plant is in use. The water spray dust suppression system shall also be equipped with strainers to prevent nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is

incapable of operation due to weather conditions or any other reason, the portable stone crushing and screening plant shall not be operated.

7. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the diesel engine and the portable stone crushing plant shall not operate more than 400 hours in any 12-consecutive month period nor shall it emit more than a combined total of 4.10 grams of NO_x and nonmethane hydrocarbons per brake horsepower-hour, 1.10 grams of CO per brake horsepower-hour, 0.93 grams of SO_x per brake horsepower-hour, and 0.11 grams of PM per brake horsepower-hour nor shall it emit more than 3.84 pounds of NO_x per hour, 1.03 pounds of CO per hour, 0.87 pounds of SO_x per hour, and 0.10 pounds of PM per hour.

8. Pursuant to 40 CFR Sections 60.670–60.676, the portable stone crushing plant shall comply with all applicable requirements specified in Subpart OOO of the federal Standards of Performance for New Stationary Sources, 40 CFR Part 60.670 through 60.676 at all times.

9. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the material to be processed by the portable stone screening plant shall be thoroughly wetted prior to being processed to prevent fugitive emissions in violation of the applicable standards.

10. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the diesel engine and the portable stone screening plant shall not operate more than 400 hours in any 12-consecutive month period nor shall it emit more than 4.71 grams of NO_x per brake horsepower-hour, 0.45 grams of CO per brake horsepower-hour, 1.72 grams of SO_x per brake horsepower-hour, 0.18 grams of PM per brake horsepower-hour, and 0.13 grams of nonmethane hydrocarbons per brake horsepower-hour nor shall it emit more than 1.04 pounds of NO_x per hour, 0.10 pounds of CO per hour, 0.38 pounds of SO_x per hour, 0.04 pounds of PM per hour, and 0.03 pounds of nonmethane hydrocarbons per hour.

11. Pursuant to 40 CFR Sections 60.670–60.676, the portable stone screening plant shall comply with all applicable requirements specified in Subpart OOO of the federal Standards of Performance for New Stationary Sources, 40 CFR Part 60.670 through 60.676 at all times.

12. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, no more than 1,000,000 tons of asphalt concrete shall be produced at this facility in any 12 consecutive month period.

13. Records shall be maintained of the number of hours each of the diesel engines and the portable stone crushing and screening plant, portable stone crushing plant, and portable stone screening plant operated each month.

14. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the emission of NO_x, CO and VOCs from the asphalt plant shall not exceed 0.054, 0.108, and 0.033 pounds per ton of asphalt concrete produced, respectively, nor shall they exceed 21.6, 43.2, and 13.2 pounds per hour, respectively.

15. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the emission of PM from the asphalt plant shall not exceed 0.01 grains per dry standard cubic foot of effluent gas volume.

16. The permittee shall perform stack testing on the asphalt plants prior to August 31, 2012 to determine its NO_x, CO, VOC and PM emission rates.

17. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, following the completion of the modifications and construction approved herein, the total combined emission of nitrogen oxides from all sources existing at this facility shall not exceed 29.3 tons in any 12 consecutive month period, the total combined emission of CO shall not exceed 54.97 tons in any 12 consecutive month period, the total combined emission of SO_x shall not exceed 76.35 tons in any 12-consecutive month period, the total combined emission of VOCs shall not exceed 16.97 tons in any 12-consecutive month period, the total combined emission of PM/PM₁₀ shall not exceed 62.51 tons in any 12-consecutive month period.

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

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

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

AMS 11210: Allied Tube & Conduit (11350 Norcom Road, Philadelphia, PA 19154) for installation for an Acid Scrubber (Air Control Device) in the City of Philadelphia, **Philadelphia County**. The scrubber is used to control Hydrochloric Acid emissions from their 1P & 2P Mills. The scrubber has an emission limit of removal efficiency rated at 50%. The scrubber uses a Sodium Hydroxide scrubbing liquid. The total HCL emission limit after the scrubber are 0.22 tons per year. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

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

09-00001: Avery Dennison Corp.—Fasson Roll Division (35 Penn Am Drive, Quakertown, PA 18951) for renewal of a Title V Operating Permit in Richland Township, **Bucks County**. Avery Dennison Corp. manufactures pressure sensitive adhesive label stock. Sources at the facility include an adhesive coating line, emergency electric generator, diesel fire pump engine, wash tanks, and maintenance & cleaning equipment. The facility is categorized as a major source for volatile organic compounds (VOC) with a potential to emit greater than 25 tons per year. The facility is not a major source of HAP emissions. The permit includes monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

07-05008: Team Ten, LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) for operation of a paper manufacturing plant in Tyrone Borough, **Blair County**. This is a renewal of their Title V Operating permit issued in November 2005.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The actual annual emissions based on 2010 data were approximately 348 tons of NO_x, 39 tons of CO, 1,826 tons of SO_x, 12 tons of PM₁₀, 14 tons of VOC, and 45 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

Daniel C. Husted, P.E., West Permitting Section Chief may be contacted at (717) 705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

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

46-00252: Reading Material, Inc.—Sanatoga Asphalt Plant (394 Sanatoga Road, Pottstown, PA 19446) for a non-Title V Facility, State-Only, Natural Minor Operating Permit in Lower Pottsgrove Township, **Mont-**

gomery County. The permit is for the operation of the crushing and screening and wet suppression equipment at their aggregate processing plant (quarry). This action is a renewal of the State Only Operating Permit. The initial permit was issued on 3-13-2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

36-03098: Powell Steel Corp. (625 Baumgardner Road, Lancaster, PA 17603-9649) for operation of their fabricated structural metal manufacturing facility in Pequea Township, **Lancaster County**.

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

The subject facility has actual emissions below Title-V permitting thresholds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

22-03041: Librandi's Machine Shop, Inc. (93 Airport Drive, Middletown, PA 17057-5022) for electroplating operations in Middletown Borough, **Dauphin 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 emits about 50 pounds per year of chromium, two (2) tons per year of particulate matter and less than one (1) ton per year of VOCs. 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 Part 63, Subpart N, "National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks."

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

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

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

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

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

38-03058: Lebanon Industries (3000 State Drive, Lebanon, PA 17042) for operation of an aluminum sweat furnace equipped with an afterburner in South Lebanon Township, **Lebanon 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 the potential to emit 0.8 tpy of CO, 3.1 tpy NO_x, 5.3 tpy PM₁₀, 12.1 tpy SO_x, & 0.2 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

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

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

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

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

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

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

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

59-00016: Pine Hill, Inc. (PO Box 62, Blossburg, PA 16912-0062) for issuance of a state only operating permit for their facility in Ward Township, **Tioga County**. The facility's source is a residual waste landfill. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00065: Fisher Mining, Co. (40 Choate Circle, Montoursville, PA 17754-9791) for issuance of a state only operating permit for their facility in Pine Township, **Lycoming County**. The facility's sources include small combustion units, a parts washer and a coal prep plant. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

56-00149: Somerset Area School District (645 S Columbia Ave, Somerset, PA 15501-2513) for an operating permit renewal for the Maple Ridge & Eagle View Elementary Schools in Somerset Borough, **Somerset County**. Equipment at this facility includes two 4.3 mmbtu/hr tri-fuel boilers at each school. Maple Ridge Elementary School also has a 35 kW natural gas fired emergency generator and Eagle View Elementary School has a 55 kW natural gas fired emergency generator. Potential emissions from the adjacent facilities are based on a limit of burning 2,160 tons of coal per consecutive 12 month period and are estimated to be 10.2 tons NO_x, 1.4 tons VOCs, 11.8 tons CO, 16.1 tons particulate matter and 99.4 tons SO_x. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

11-00515: J-LOK Company (258 Kappa Drive, Pittsburgh, PA 15238-2818) for continued operation of the mine bolt cartridge manufacturing facility in Cresson Township, **Cambria County**. This is a State Only Operating Permit Renewal submittal.

03-00185: Vista Metals, Inc. (1024 East Smithfield Street, McKeesport, PA 15135) for the operation of a carbide facility at Kittanning, E. Franklin Township, **Armstrong County**. This is a State Only Operating Permit Renewal Application.

03-00179: Leading Technologies, Inc. (1153 Industrial Park Road, Leechburg, PA 15656) for the manufacturing plating and polishing facility at Parks Township, **Armstrong County**. This is a State Only Operating Permit Renewal Application.

11-00515: J-LOK Co. (258 Kappa Drive, Pittsburgh, PA 15238) to issue a State Only Operating Permit (SOOP) renewal for continued operation of a mine bolt resin cartridge manufacturing facility at their Cresson Plant in the Cresson Township, **Cambria County**

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to J-LOK Company to authorize the continued operation of a mine bolt resin cartridge manufacturing facility at their Cresson Plant located in the Cresson Township, Cambria County. The facility consists of four storage silos for storage of different grades of crushed limestone, two mixing and packaging lines and various tanks. The manufacturing process involves mixing of a styrene-based polyester resin with limestone and the mixing of a catalyst containing benzoyl peroxide, water and a starch thickener. The resin and catalyst mixtures are then packaged in mylar film tubes or cartridges.

The facility has baghouses to control emissions of particulate matter (PM) from limestone storage silos and a vapor adsorption system for control of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from the manufacturing equipment. Emissions from this facility are less than 1 ton per year of PM, 1 ton per year of VOCs and 1 ton per year of HAPs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-11-00515), and

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

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

63-00414: Avella Area School District (1000 Avella Rd., Avella, PA 15312-2109) Synthetic Minor Operating Permit renewal for the Avella Elementary & Sr High Schools located in Cross Creek Township, **Washington County**. Equipment at this facility includes two tri-fuel boilers equipped to burn anthracite coal and two natural gas-fired boilers. Additional minor sources include two hot water heaters and small emergency generators. Potential

emissions from the facility are based on a limit of burning 2,160 tons of coal per consecutive 12 month period for the coal boilers and are estimated to be 14.6 tons NO_x, 0.5 tons VOCs, 4.8 tons CO, 15.6 tons particulate matter and 42.1 tons SO_x. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, record-keeping, reporting and work practice requirements.

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

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

32110106 and NPDES No. PA0263320 and General Permit GP-12-32110106. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, application to obtain coverage for coal processing under air quality general permit GP-12 for a proposed surface mine site in Brushvalley Township, **Indiana County**, affecting 67.1 acres. Receiving stream(s): unnamed tributaries to Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2011.

11060101 and NPDES No. PA0249882. CMT Energy, Inc., 108 South Twigg Street, Box 23, Smoke Run, PA 16681, permit renewal for reclamation only of a bituminous surface mine in Chest Township, **Cambria County**, affecting 33.1 acres. Receiving stream(s): unnamed tributaries to Chest Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 1, 2011.

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

03110101 and NPDES Permit No. PA0252093. Cherep's Excavation (9742 Saltsburg Road, Pittsburgh, PA 15239-2126). Application for commencement, operation and reclamation of a bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 62.4 acres. Receiving streams: unnamed tributaries to Riggle Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 25, 2011.

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

33010101. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip mine in Winslow & Sandy Townships, **Jefferson & Clearfield Counties** affecting 65.5 acres. Receiving streams: Unnamed tributary to Sandy Lick Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application is for reclamation only. Application received: August 5, 2011.

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

14050101 and NPDES No. PA0256242. CMT Energy, Inc. (108 South Twigg St, Box 23, Smoke Run, PA 16681). Permit renewal of an existing bituminous surface mine site located in Rush Township, **Centre County** affecting 28.1 acres. Receiving streams: Wolf Run classified for cold water fishery and unnamed tributaries to Moshannon Creek classified for high quality cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 5, 2011.

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

49871602R4. Lenig & Kosmer Coal Washery, (2993 Lower Road, Shamokin, PA 17872), renewal of an anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 3.6 acres,

receiving stream: Mahanoy Creek, classified for the following use: cold water fishes. Application received: August 2, 2011.

40041601R. Coal Contractors (1991), Inc., (P. O. Box 39, Hazleton, PA 18201), renewal of an existing anthracite coal preparation plant operation (transfer pending from Stockton Anthracite, LP) in Hazle Township, **Luzerne County** affecting 183.0 acres, receiving stream: Hazle Creek, classified for the following use: cold water fishes. Application received: August 4, 2011.

Noncoal Applications Received

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

26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application to add 70 acres for the Phase 7 of an existing large noncoal surface mine, located in Springfield Township, **Fayette County**, affecting 640 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run, classified for the following use: HQ-CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Municipal Authority of Westmoreland County. Revision application received: August 10, 2011.

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

64112501 and NPDES Permit No. PA0225045. Robert A. Coleman, (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry

operation and NPDES Permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 10.0 acres, receiving stream: Sherman Creek, classified for the following uses: HQ-cold water fishery and migratory fishes. Application received: August 4, 2011.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

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

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

surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35mg/l	70mg/l	90mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
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. PA0263150 (Mining permit no. 32110101), Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, new NPDES permit for coal surface mining in Brushvalley Township, **Indiana County**, affecting 70.9 acres. Receiving stream(s): unnamed tributaries to/and Ferrier Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: February 3, 2011.

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

The outfall(s) listed below discharge to unnamed tributaries to/and Ferrier Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004—Treatment Pond 1	Y
005—Treatment Pond 2	Y
006—Treatment Pond 3	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	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)	50.0	50.0	50.0

*Osmotic Pressure applies to Treatment Ponds 2 and 3 only.
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sedimentation Pond A	Y
002—Sedimentation Pond B	Y
003—Sedimentation Pond C	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	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

NPDES No. PA0263257 (Mining permit no. 56110105), Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, new NPDES permit for surface mining including blasting and augering in Southampton Township, **Somerset County**, affecting 318.4 acres. Receiving stream(s): Unnamed Tributaries to Rush Run and Unnamed Tributaries to the North Branch of Jennings Run, classified for the following use(s): High Quality Cold Water Fishery and Cold Water Fishery. These receiving streams are not the subject of a TMDL. Application received: June 2, 2011.

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

The treated wastewater outfalls listed below discharge to: Unnamed Tributaries to the North Branch of Jennings Run (Cold Water Fishery).

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0

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

The stormwater outfalls listed below discharge to: Unnamed Tributaries to the North Branch of Jennings Run (Cold Water Fishery)

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007, 008, 009, 011, 012	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5

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

The stormwater outfall listed below discharge to: Unnamed Tributaries to Rush Run (High Quality Cold Water Fishery)

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5

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

NPDES No. PA0263206 (Mining permit no. 56110104), Wilson Creek Energy, LLC, 140 West Union Street, Suite 102, Somerset, PA 15501, new NPDES permit for surface and auger/highwall mine, including blasting, in Jenner Township, **Somerset County**, affecting 132.5 acres. Receiving stream(s): Unnamed Tributary to/and Hoffman Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: March 18, 2011.

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

The stormwater outfall listed below discharges to an Unnamed Tributary to Hoffman Run.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	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

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

NPDES No. PA-0257761 (GFCC No. 14-10-01), RES Coal, LLC, 224 Grange Hall Road, PO Box 228, Armagh, PA 15920 new NPDES permit for abandoned mine reclamation in Rush Township, **Centre County**, affecting 20.8 acres. Receiving stream(s): Moshannon Creek, classified for the following use(s): CWF. [Moshannon Creek Watershed TMDL: Clearfield and Centre Counties] Application received: July 29, 2011.

The outfall(s) listed below discharge to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	Yes

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		2.6	5.2	6.5
Manganese (mg/l)		1.9	3.8	4.75
Aluminum (mg/l)		0.75	1.5	1.86
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		30.0	60.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

¹ The parameter is applicable at all times.

NPDES No. PA-0257770 (GFCC No. 17-09-04), Finney Enterprises, Inc., 2007 Parsonville Road, Osceola Mills, PA 16666 new NPDES permit for abandoned mine reclamation in Woodward Township, **Clearfield County**, affecting 22.0 acres. Receiving stream(s): Goss Run to Beaver Run to Moshannon Creek, all classified for the following use(s): CWF. [Moshannon Creek Watershed TMDL: Clearfield and Centre Counties] Application received: July 29, 2011.

The outfall(s) listed below discharge to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Yes

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.4	2.8	3.5
Aluminum (mg/l)		0.75	1.5	1.86
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		30.0	60.0	90.0
Osmotic Pressure (milliosmoles/kg)				N/A

¹ The parameter is applicable at all times.

NPDES No. PA-0256781 (Mining permit no. 17080105), King Coal Sales, Inc., PO Box 712, Philipsburg, PA 16866, new NPDES permit for Bituminous Coal Surface Mining in Morris Township, **Clearfield County**, affecting 104.3 permit acres. Receiving stream: Alder Run, classified for the following use: Cold Water Fisheries (Alder Run TMDL). Application received: May 1, 2008.

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 outfalls listed below discharge to Alder Run to the West Branch of the Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Yes
TF-2	Yes
TF-3	Yes

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-A	Yes
SP-B	Yes

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

¹ The parameter is applicable at all times.

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

NPDES No. PA0592901 on Surface Mining Permit No. 54850207R5. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), renewal of an NPDES Permit for a coal refuse reprocessing operation in Hegins Township, **Schuylkill County**, affecting 39.08 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: March 21, 2011. The permit will not have a significant effect on the TMDL for the East Branch of Rausch Creek which is impaired for AMD, metals, pH and sediment.

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

This permit includes non-discharge BMP's for all run-off.

NPDES No. PA0224995 on Surface Mining Permit No. 54803019C3. Rausch Creek Land, LP (978 Gap Street, Valley View, PA 17983), new NPDES Permit for an anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County**, affecting 1313.0 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: April 8, 2011. The permit will not have a significant effect on the TMDL for the East Branch of Rausch Creek which is impaired for AMD, metals, pH and sediment.

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

This permit includes non-discharge BMP's for all run-off.

NPDES No. PA0224081. Stoudt's Ferry Preparation Co., Inc. (c/o BAMR, Schuylkill River Project, 2 Public Square, 2nd Floor, Wilkes-Barre, PA 18711), renewal of an NPDES Permit for a Contract No. M91:8 Operation in Exeter Township, **Berks County**. Receiving streams: Schuylkill River, classified for the following use: warm water fishes. Application received: July 15, 2011. This permit will not have a significant effect on the TMDL for the Schuylkill River which is impaired for PCB's.

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

The outfall(s) listed below discharge to the Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>
1	No

NPDES No. PA0224944 on Surface Mining Permit No. 40980101. Hazleton Materials, LLC, (PO Box 1467, Skippack, PA 19474), new NPDES Permit for an anthracite surface mine operation in Foster Township, **Luzerne County**, affecting 1261.0 acres. Receiving streams: Little Sandy Run, unnamed tributary Buck Mountain Creek, unnamed tributary Hazle Creek and Black Creek, classified for the following uses: HQ—cold water fishes and cold water fishes. Application received: March 15, 2011.

The receiving streams listed above have TMDL's associated within them and the sources of impairment are as follows: Little Sandy Run, metals, pH; unnamed Buck Mountain Creek, metals, pH; unnamed tributary Hazle Creek, metals, pH; Black Creek; metals, inorganics, pH. The proposed permit will not have a significant effect on these streams as non-discharge BMP's are included and will remain in effect.

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

Noncoal NPDES Draft Permits

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

NPDES No. 0257478 (Mining permit no. 08100307), Insinger Excavating, Inc., 3046 Dushore-Overton Road, Dushore, PA 18614, new NPDES permit for noncoal surface mining in Springfield Township, **Bradford County**, affecting 62.9 acres. Receiving stream(s): Unnamed Tributary Bentley Creek, classified for the following use(s): WWF. Application received: October 27, 2010.

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

The outfall(s) listed below discharge to Unnamed Tributary to Bentley Creek:

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

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

NPDES No. PA0594148 on Surface Mining Permit No. 8173SM1. Hanson Aggregates Pennsylvania, LLC, (7660 Imperial Way, Allentown, PA 18195), revision of an NPDES Permit for a large noncoal quarry operation

in East Caln and West Whiteland Townships, **Chester County**, affecting 355.0 acres. Receiving stream: Valley Creek, classified for the following uses: cold water and warm water fishes. Application received: May 10, 2011.

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

The outfall(s) listed below discharge to Valley Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	O.D.

(increased average discharge rate from 2.0 to 4.0 MGD)

NPDES No. PA0594571 on Surface Mining Permit No. 6276SM1. New Enterprise Stone & Lime Co., Inc., d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a large noncoal quarry operation in Salisbury Township, **Lancaster County**, affecting 76.1 acres. Receiving stream: unnamed tributary to Pequea Creek, classified for the following use(s): HQ—cold water fishes. Application received: July 20, 2011.

Pequea Creek is impaired for phosphorus and sediment, however, per the approved TMDL for this stream, source of the impairment was determined to be not due to the quarry discharge. No waste load allocation or reduction was assigned to the quarry.

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

The outfall(s) listed below discharge to Pequea Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D.
002	No	E&S
003	No	E&S

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E40-721. Henry J. Zielinski III, R.R. 3, Box KP43, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 750 square foot dock with a covered boat slip in Harveys Lake. The project is located at 2899 Lakeside Drive (SR 0415) at Pole #267 (Harvey's Lake Quadrangle Latitude; 41° 21' 13"; Longitude: -76° 02' 38") in Harveys Lake Borough, Luzern County.

E40-718. Humboldt 105 Land, LLC, 71 South Wacker Drive, Suite 4700, Chicago, IL 60606, in Hazle Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 0.44 acre of wetlands for the purpose of constructing a warehouse/distribution center on Lot 105 of Humboldt Industrial Park East. The project is located on the eastern side of Commerce Drive approximately 950 feet south of its intersection with Forest Road (Conyng-ham, PA Quadrangle, Latitude: 40°55'58"; Longitude: -76°1'20").

WATER OBSTRUCTIONS & ENCROACHMENTS

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

E02-1653. Sunoco Pipeline LP, 525 Fritztown Road, Sinking Spring, PA 19608. The applicant proposes to construct and maintain grout matting in the channel of an unnamed tributary to Thompson Run (WWF) at three (3) locations for the purpose of protecting the existing petroleum pipeline. The project is located on the south side of Jefferson Road, approximately 950 feet southwest from the intersection of McKenzie Drive and Jefferson Road (washout #1), 1,000 feet southwest from the intersection of McKenzie Drive and Jefferson Road (washout #2) and 1,100 feet southwest from the intersection of McKenzie Drive and Jefferson Road (washout 3) (Brad-dock, PA Quadrangle N: 12.9 inches; W: 7.75 inches; Latitude: 40-26'-46"; Longitude: 79-48'21") in the Municipality of Penn Hills, **Allegheny County** and will impact approximately 435.0 linear feet of stream channel.

E02-1654. Riverlife, 425 Sixth Avenue, Suite 1340, Pittsburgh, PA 15219. The applicant proposes to construct and maintain a pedestrian/bicycle ramp, staircase and an observation platform along the right bank of the Monongahela River (WWF & N) for the purpose of linking Point State Park and the downtown Pittsburgh area to

the Three Rivers Heritage Trail and the Great Allegheny Passage. The project is located at the Smithfield Street Bridge, approximately 4,000.0 feet upstream from the confluence of the Monongahela, Allegheny and Ohio Rivers (Pittsburgh West, PA Quadrangle N: 11.2 inches; West: 0.2 inches; Latitude: 40-26-12; Longitude: 80-00-05) in the City of Pittsburgh, **Allegheny County** and will impact approximately 489.0 linear feet of stream channel.

E03-454. Dominion Transmission, Inc., 654 Carson Hill Road, Luthersburg, PA 15848. The applicant proposed to construct, operate and maintain a 140 ft. articulated concrete matting system to protect/cover an exposed gas pipeline, a rock cross vane, and a low-flow channel for fish migration. The proposed structures will be constructed in UNT's 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**.

E04-337. Valvoline—Div. of Ashland, Inc., 3499 Blazer Parkway, Lexington, KY 40509. The applicant proposes to construct, operate and maintain a new 120 LF barge dock and barge unloading facility. The proposed structures will be constructed in the Ohio River (WWF). The project is located to the west of the Monaca-East Rochester Bridge (Pa-51) (USGS Beaver, PA quadrangle; N: 12.75 inches, W: 2.5 inches; Latitude: 40° 41' 42"; Longitude: 80° 16' 05") in East Rochester Borough, **Beaver County**.

E11-342. St. Vincent University, P. O. Box 600, Loretto, PA 15940. The applicant proposes to place and maintain fill in approximately 0.008 acre of wetlands in the watershed of an unnamed tributary to Clearfield Creek (CWF) for the purpose of construction of a recreational and educational facility. The project includes a wetland boardwalk trail, and structures located in Allegheny Township, **Cambria County** (Ebensburg, PA Quadrangle N: 22.5 inches; W: 1.2 inches; Latitude: 40°30'0"; Longitude:78°37'57").

E56-357. Ursina Borough, 418 Park Street, Confluence, PA 15424. The applicant proposes to construct and maintain one utility line stream crossing on Licking Creek (HQ-CWF) and one outfall structure on Laurel Hill Creek (HQ-CWF), for the purpose of constructing a sewage collection and treatment system. The project is located in Ursina Borough, **Somerset County**, Pennsylvania. (Pittsburgh ACOE District, Confluence Pa Quadrangle N: 11.7'; W 13.5'; latitude 39 48' 59' longitude 79 19' 54").

E63-634. MarkWest Liberty Midstream & Resources, LLC, 604 Technology Drive, Suite 130, Canonsburg, PA 15317. The applicant proposes to construct, operate and maintain a 4.5 mile long rail spur that will include 9 stream enclosures with an impact of 569 ft. and 0.668 acres of wetland impacts at 17 locations. The proposed structures will be constructed in UNT's to Chartiers Run and UNT's to Millers Run (WWF). The project is located along Hornhead Road starting at the intersection with Westland Road and continuing through the intersection with Millers Run Road (Pa 50) to Southview Road as it enters the Wheeling & Lake Erie Railroad mainline in Southview, PA (Starting at USGS Midway, PA quadrangle; N: 4.7 inches, W: 14.4 inches; Latitude: 40° 16' 31"; Longitude: 80° 16' 16" and ending at USGS Caononsburg, PA quadrangle; N: 13.7", W: 0"; Latitude: 40° 19' 29"; Longitude: 80° 15' 0") in Chartiers, Cecil and Mt. Pleasant Townships, **Washington County**.

E63-635. County of Washington, 100 West Beau Street, Suite 701, Washington, PA 15301. The applicant proposes to construct, operate and maintain a boat launch, a handicapped fishing pier, and lake access facility (parking facilities, picnic shelters, and restroom facilities) with an impact of approximately 95 ft. to the Waters of the Commonwealth. The proposed structures will be constructed along Cross Creek Lake in Cross Creek (HQ-WWF). The project is located in Cross Creek County Park near the intersection of SR844 and Thompson Hill Road (USGS West Middletown, PA quadrangle; N: 22.5 inches, W: 5.8 inches; Latitude: 40° 15' 45.7"; Longitude: 80° 25' 6.1") in Hopewell Township, **Washington County**.

E65-942. Pennsylvania DCNR Bureau of State Parks, 435 State Park Road, Schellsburg, PA 15559. The applicant proposes to impact 0.59 acre of wetlands and 1.99 acres of open water in the watershed of the Rolling Rock Creek (HQ-CWF) for the purpose of restoration and rehabilitation of the ski area at Laurel Mountain State Park located in Ligonier Township, **Westmoreland County** (Ligonier, PA Quadrangle N: 7.25 inches; W: 6.00 inches; Latitude 40°09'51"; Longitude: 79°09'59"). The activities are as follows:

Enlarging two existing storage ponds, re grading the Deer Path and a portion of Lower Innsbruck trails, constructing a level skier loading area for new Wildcat Lift and developing a new tubing park.

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

E10-470. North Boundary Partners, LP, 11279 Perry Highway, Wexford, PA 15090, Marketplace of Cranberry in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 43', 20"; W: 80°, 6', 22").

Applicant proposes the commercial development of two parcels totaling approximately 16 acres at the NW (5 acres) & SE (11 acres) corners of the SR19 & North Boundary Road intersection in Cranberry Township, Butler County involving the following: (1) to construct and maintain a 670 linear feet stream enclosure of a perennial UNT to Brush Creek (WWF); (2) to construct and maintain a 71 linear feet stream enclosure and a 120 linear feet stream enclosure of two ephemeral UNT to Brush Creek (WWF); (3) to permanently fill all onsite PEM/PSS wetlands totaling 1.57 acres; (4) to mitigate watercourse impacts by conducting restoration activities on approximately 930' of Brush Creek (WWF) within Cranberry Township's Garham Park property consisting of low bank armoring, riparian planting, and j-hook installation; (5) to mitigate wetland impacts by constructing 1.58 acres of replacement wetlands within Cranberry Township's Garham Park property

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

E4129-017 EXCO Resources (PA), LLC, 3000 Ericsson Drive, Suite 200, Warrendale, PA 15086, Mifflin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Larry's Creek (EV) adjacent to the intersection of Route 973 and Quenshukeny Road (Saladasburg Quadrangle 41°17'51"N 77°11'52"W). The proposed withdrawal will include two submersible pumps with related materials placed on the stream bed. The project will result in 18 square feet of stream impact and

39 square feet of floodway impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

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

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)

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

ESCGP-1 # ESX10-035-0002 (01)
Applicant Name Anadarko Marcellus Midstream
Contact Person Nathan Bennett
Address 33 West Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming, Clinton Counties
Township(s) McHenry, Gallagher and Grugan Townships
Receiving Stream(s) and Classification(s) Hyner Run, East Branch Hyner Run, UNT to Hyner Run, First Big Fork, Second Big Fork, Johnson Run, Ritchie Run and Rattle snake Run, all (HQ-CWF); Lick Run and West Branch of Lick Run (EV)

ESCGP-1 # ESX11-115-0071
Applicant Name Williams Production Appalachia, LLC

Contact Person David Freudenrich
Address 1000 Town Center Suite 130
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Forest Lake
Receiving Stream(s) and Classification(s) UNT to Silver Creek (EV)
Secondary Water: Silver Creek

ESCGP-1 # ESX10-105-0037 (01)
Applicant Name Chesapeake Appalachia LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Potter County
Township(s) West Branch Township
Receiving Stream(s) and Classification(s) Right Branch Wetmore Run, Wetmore Run, and West Branch Pine Creek, all HQ-CWF

ESCGP-1 # ESX11-081-0061 (01)
Applicant Name Pennsylvania General Energy Company
Contact Person Douglas Kuntz
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) Ramsey Run, (HQ-CWF); Pine Creek (HQ-TSF); Susquehanna River (WWF)

ESCGP-1 # ESX11-015-0132
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) Burlington Township
Receiving Stream(s) and Classification(s) Tomjack/Sugar Creek TSF/WWF

ESCGP-1 # ESX11-015-0148
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) Ulster Township
Receiving Stream(s) and Classification(s) Toad Hollow, (WWF);
Secondary Water: Susquehanna River, (WWF)

ESCGP-1 # ESX11-113-0013
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan County
Township(s) Cherry Township
Receiving Stream(s) and Classification(s) UNT of Little Loyalsock Creek, UNT of Birch Creek, both EV;
Secondary Water: Little Loyalsock Creek; Birch Creek, both EV

ESCGP-1 # ESX11-115-0075
Applicant Name Cabot Oil & Gas Corporation
Contact Person Jeffrey Keim
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Harford Township
Receiving Stream(s) and Classification(s) Martins Creek,
Secondary: Tunkhannock Creek

ESCGP-1 # ESX11-131-0026
 Applicant Name PVR Marcellus Gas Gathering LLC
 Contact Person Jeffrey Searfoss
 Address 25 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Wyoming County
 Township(s) Meshoppen Township
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River (CWF, MF)

ESCGP-1 # ESX11-117-0076
 Applicant Name Seneca Resources Corporation
 Contact Person Michael Clinger
 Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15825
 County Tioga County
 Township(s) Shippen Townships
 Receiving Stream(s) and Classification(s) Straight Run,
 Secondary: Marsh Creek

ESCGP-1 # ESX11-115-0070
 Applicant Name Williams Marcellus Gathering LLC
 Contact Person David Freudenrich
 Address 1000 Town Center Suite 130
 City, State, Zip Canonsburg PA 15317
 County Susquehanna County
 Township(s) Middletown and Rush Townships
 Receiving Stream(s) and Classification(s) UNT to Middle
 Branch Wyalusing Creek,
 Secondary Water Middle Branch Wyalusing Creek

ESCGP-1 # ESX11-117-0088
 Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Delmar Township
 Receiving Stream(s) and Classification(s) UNT to Dantz
 Run—Susquehanna River Basin in Pennsylvania—West
 Branch Susquehanna River (List L), Dantz Run—
 Susquehanna River Basin in Pennsylvania—West
 Branch Susquehanna River (List L)

ESCGP-1 # ESX11-023-0008
 Applicant Name Seneca Resources Corporation
 Contact Person Michael Clinger
 Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15825
 County Cameron County
 Township(s) Shippen Township
 Receiving Stream(s) and Classification(s) Havens Run
 (CWF) and Left Branch Cooks Run (EV,
 Secondary Water: Potato Creek and Cooks Run

ESCGP-1 # ESX11-117-0087
 Applicant Name EQT Gathering
 Contact Person Hanna McCoy
 Address 625 Liberty Avenue
 City, State, Zip Pittsburgh, PA 15222
 County Tioga County
 Township(s) Duncan Township
 Receiving Stream(s) and Classification(s) Sand Run and
 Wilson Creek, both (CWF)

ESCGP-1 # ESX11-015-0156
 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) Canton Township
 Receiving Stream(s) and Classification(s) UNT to Alba

Creek (CWF/MF),
 Secondary Water: Alba Creek

ESCGP-1 # ESX11-015-0146
 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) Smithfield and Ulster Townships
 Receiving Stream(s) and Classification(s) Tributaries to
 Sugar Creek (WWF/MF)

ESCGP-1 # ESX11-015-0152
 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) Wilmot Township
 Receiving Stream(s) and Classification(s) UNT to Sugar
 Run Creek (CWF),
 Secondary Water: Susquehanna River (WWF)

ESCGP-1 # ESG11-117-0069
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Guido Struyk
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga County
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) Alder Run and
 Hammond Creek, CWF-MF

ESCGP-1 # ESX11-117-0089
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga County
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) Tributary to
 Harts Creek (WWF-MF),
 Secondary Water: Harts Creek (WWF-MF)

ESCGP-1 # ESG10-117-0136 (01)
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga County
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) Bear Creek,
 UNT's to Hammond Creek, all CWF

ESCGP-1 # ESX11-115-0065
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna County
 Township(s) Rush Township
 Receiving Stream(s) and Classification(s) Tributary 39803
 to Elk Stream, UNT to Tributary to Elk Lake Stream,
 Elk Lake Stream all CWF, Wysox Wyalusing Creeks
 Watershed;
 Secondary Water: East Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX11-015-0159
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County

Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) UNT Foster
Branch, Sugar Run Creek, CWF/MF;
Secondary Water: Sugar Run Creek, CWF/MF

ESCGP-1 # ESX11-015-0157
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) Terry Township
Receiving Stream(s) and Classification(s) UNT to Foster
Branch Sugar Run (CWF/MF);
Secondary Water: Sugar Run Creek (CWF/MF)

ESCGP-1 # ESX11-115-0077
Applicant Name Carrizo Marcellus, LLC
Contact Person Gary Byron
Address 251 Drain Lick Road
City, State, Zip Drifting, PA 16834
County Susquehanna County
Township(s) Forest Lake Township
Receiving Stream(s) and Classification(s) UNTs to Middle
Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX11-115-0066
Applicant Name Carrizo Marcellus, LLC
Contact Person Gary Byron
Address 251 Drain Lick Road
City, State, Zip Drifting, PA 16834
County Susquehanna County
Township(s) Jessup Township
Receiving Stream(s) and Classification(s) UNT's to East
Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX11-037-0010
Applicant Name Mountain Gathering, LLC
Contact Person Dewey Chalos
Address 810 Houston Street
City, State, Zip Fort Worth, TX 76102-6298
County Columbia County
Township(s) Pine Township
Receiving Stream(s) and Classification(s) UNT to Brier
Run, Little Brier Run (EV)

ESCGP-1 # ESX11-015-0103 (01)
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) Columbia & Troy Townships
Receiving Stream(s) and Classification(s) UNT's to Sugar
Creek and North Branch Sugar Creek, both (TSF-MF)

ESCGP-1 # ESX11-015-0162
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Parkway E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Herrick Township
Receiving Stream(s) and Classification(s) Rummerfield
Creek and UNT to Rummerfield Creek (WWF-MF)

ESCGP-1 # ESX11-015-0160
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Parkway E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Herrick Township

Receiving Stream(s) and Classification(s) Rummerfield
Creek and UNT's to Cold Creek and Rummerfield
Creek, WWF, MF

ESCGP-1 # ESX11-081-0073
Applicant Name Pennsylvania General Energy Company,
LLC
Contact Person Douglas Kuntz
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) UNT to Ramsey
Run, and Ramsey Run, both (HQ/CWF);
Secondary Water: Pine Creek (HQ/CWF)

ESCGP-1 # ESX11-081-0067
Applicant Name Anadarko E&P Company LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming County
Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) Birch Run, Dib-
ber Hollow Run, Little Sandy Run, UNT to Headland
Run, Larry's Creek and Big Sandy Run, all (HQ/CWF)

ESCGP-1 # ESX11-117-0091
Applicant Name SWEPI LP
Contact Person James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Union Township
Receiving Stream(s) and Classification(s) UNT's to West
Mill Creek, (HQ/CWF, MF)

ESCGP-1 # ESX11-015-0158
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) North Towanda Township
Receiving Stream(s) and Classification(s) UNT Sugar
Creek (WWF);
Secondary Water: Susquehanna River (WWF)

ESCGP-1 # ESX11-081-0068
Applicant Name Pennsylvania General Energy, LLC
Contact Person Douglas Kuntz
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) Cummings & McHenry Townships
Receiving Stream(s) and Classification(s) Little Pine
Creek (HQ-TSF, MF);
Secondary Water: Pine Creek

ESCGP-1 # ESX11-015-01563
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) Leroy Township
Receiving Stream(s) and Classification(s) Towanda
Creek (TSF, MF)

ESCGP-1 # ESX11-113-0016
Applicant Name Chief Oil & Gas LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Ext., Suite 210
City, State, Zip Wexford, PA 15090

County Sullivan County
 Township(s) Forks Township
 Receiving Stream(s) and Classification(s) UNT to Black Creek, Black Creek;
 Secondary Waters: Little Loyalsock Creek, all (EV)
 ESCGP-1 # ESX11-081-0074
 Applicant Name Southwestern Energy Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Lycoming County
 Township(s) Cogan House Township

Receiving Stream(s) and Classification(s) UNT to Flicks Run, and Flicks Run, both (EV)
 ESCGP-1 # ESX11-015-0150
 Applicant Name Angelina Gathering Company, LLC
 Contact Person Matthew Bailey
 Address 2350 N. Sam Houston Parkway E., Suite 125
 City, State, Zip Houston, TX 77032
 County Bradford County
 Township(s) Stevens Township
 Receiving Stream(s) and Classification(s) Rockwell Creek, UNT to Rockwell Creek and Cold Water Creek, (WWF, MF)

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11017	MarkWest Liberty Midstream & Resources, LLC 601 Technology Drive Canonsburg, PA 15817 Attn: Robert McHale	Washington	Chartiers Township	4 ASTs storing natural gasoline	1,640,000 gallons total
11018	Frac Tech Services, LLC 777 Main Street, Suite 3000 Fort Worth, TX 76102-5304 Attn: Zachary Ceplecha	Washington	North Strabane Township	8 ASTs storing hazardous substances and petroleum products	68,000 gallons total

ACTIONS

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

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction

requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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 ?
PA0259802 CAFO	Steve Wenger Wen-Crest Farms, LLC 549 Schaeffer Road Lebanon, PA 17042	Lebanon County Lebanon Township	Hammer Creek / 7-J	Y
PA0260169 CAFO	Elmer J. King 3382 B West Newport Road Ronks, PA 17572	Juniata County Lack Township	UNT of Dougherty Run / 12-B	Y
PA0035092 IW	Tyson Foods, Inc. 403 South Custer Avenue New Holland, PA 17557-0901	Lancaster County New Holland Borough	UNT of Mill Creek / 7-J	Y
PA0052400 Sew	Harold A. Spatz Irish Creek Village Mobile Home Park 552 Irish Creek Road Mohrsville, PA 19541-9333	Berks County Centre Township	Irish Creek / 3-B	Y
PA0023442 Sew	Wrightsville Borough Municipal Authority 601 Water Street Wrightsville, PA 17368-1506	York County Wrightsville Borough	Susquehanna River / 7-I	Y
PA0248576 CAFO	Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Dauphin County Lower Swatara Township	UNT to Swatara Creek / 7-D	Y
PA0088269 Sew	Quincy Township Sewer Authority 7575 Mentzer Gap Road Waynesboro, PA 17268-8946	Franklin County Quincy Township	West Branch Antietam Creek / 13-C	Y
PA0248134 IW	David Gish Little Britain Store 10 Little Britain Road North Quarryville, PA 17566-9649	Lancaster County Little Britain Township	Reynolds Run / 7-K	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0228435 (Sewage)	Brady Township Southeast WWTP Fritz Station Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Run (10-C)	Y
PA0228311 (Sewage)	Brady Township Northwest WWTP 1986 Elimsport Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Hole Creek (10-C)	Y

<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>
PA0032409 (Industrial Waste)	Hyner Run State Park 176 Hyner Park Road Hyner, PA 17764	Clinton County Chapman Township	Log Road Hollow (9-B)	Y
<i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i>				
<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>
PA0097489 Sewage	Sharp Paving STP 7425 Route 422 Highway E Shelocta, PA 15774-0156	Indiana County Armstrong Township	Curry Run	Y
PA0095729 Sewage	Eastern Orthodox Foundation 8715 Route 422 East Penn Run, PA 15765-0342	Indiana County Cherryhill Township	UNT of Yellow Creek	Y
PA0097233 Sewage	South Versailles Township STP PO Box 66 Coulter, PA 15028	Allegheny County South Versailles Township	Youghiogheny River	Y
PA0097632 Sewage	Valley Tire STP 5079 Clearshade Drive Windber, PA 15963	Somerset County Paint Township	Roaring Fork	Y

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

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

NPDES Permit No. PA0058955, SW, **Eureka Stone Quarry, Inc. d/b/a JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge stormwater runoffs from a facility known as JDM Materials Co.—Bartram Batch Plant to Schuylkill River in Watershed 3F.

NPDES Permit No. PA0052949, Industrial Waste, **Aqua Pennsylvania Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated filter backwash water and groundwater from a facility known as Aqua PA Uwchlan to Unnamed Tributary to marsh Creek Watershed 3-H.

NPDES Permit No. PA0058947, SW, **Eureka Stone Quarry, Inc. d/b/a JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge stormwater runoffs from a facility known as JDM Materials Grant Ave. Batch Plant to Wooden Bridge Run in Watershed 3J.

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

Final Notice is hereby given that the Pennsylvania Department of Environmental Protection, after public notice, has on August 15, 2011 issued an NPDES permit to Permit No. PA0260967. Hodges Mobile Home Park.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Outfall 001:

<i>Parameter</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (CFU/100 ml)				
May 1—Sep 30				1,000
Oct 1—Apr 30				10,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717.705.4732.

NPDES Permit No. PA0260967, Sewage, **Hodges Mobile Home Park**, 82 Linda Drive, Mechanicsburg, PA 17050.

This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PAS213505, Industrial Waste / Stormwater, **ADS Pipe dba Frederick Precast**, 401 South Carlisle Street, Greencastle, PA 17225.

This proposed facility is located in Greencastle Borough, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Conococheague Creek and Paddy Run in Watershed 13-C.

NPDES Permit No. PAS203504, Industrial Waste / Stormwater, **Contech Construction Products, Inc.**, 9025 Centre Pointe Drive #400, West Chester, OH 45069.

This proposed facility is located in Greencastle Borough, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Muddy Run in Watershed 13-C.

NPDES Permit No. PA0248371 Amendment No. 1, CAFO, **Curtis Lehman, Lehman Farms**, 514 Bricker Road, Bernville, PA 19506.

This proposed facility is located in Jefferson and Upper Tulpehocken Townships, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Transfer of ownership of a 657-AEU broiler and dairy operation discharging to an UNT of Little Northkill Creek in Watershed 3-C.

NPDES Permit No. PA0248410, CAFO, **Scattered Acres, Inc.**, 900 Galen Hall, Reinholds, PA 17569.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Transfer of ownership of a 1,495-AEU dairy operation discharging to an UNT of Little Cocalico Creek in Watershed 7-J.

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

NPDES Permit No. PA0228974, CAFO SIC#0213 + 0251, **Scattered Acres Farms**, 213 Richards Road, Elysburg, PA 17824.

This proposed facility is an expansion of Scattered Acres Farm's existing CAFO facility located in Locust & Cleveland Townships, **Columbia County**.

Description of Size and Scope of Proposed Operation/Activity: Scattered Acres Farms is a Hog and Chicken CAFO operation. There are 4 Broiler Barns and 2 Swine barns. The chicken manure is scraped out of the barns and stored on concrete slabs as the houses are emptied. The manure is land applied on the Scattered Acres Farms. The swine manure is stored in underbarn deep pits and land applied on Scattered Acres Farms in the spring and fall.

Scattered Acres Farms rents 1856.7 acres to spread 1,463,900 gallons of swine manure and 1,427 tons on broiler manure. No manure is exported. There are 580.2 AEUs with the swine and 377.3 AEUs with the broilers, totaling 957.5 AEUs. The receiving stream, UNT to Roaring Creek, is in the State Water Plan watershed #5E and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over 25-year/24-hour rain storms, The CAFO permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

NPDES Permit No. PA0254401, **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658-8763.

This proposed facility is located in Ligonier Township, **Westmoreland County**

Description of Proposed Action/Activity: Discharge of treated Sewage from the Darlington STP.

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

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

WQM Permit No. 2110401, Sewage, **Hodges Mobile Home Park**, 82 Linda Drive, Mechanicsburg, PA 17050.

This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of a collection system, influent pump station, Norweco extended aeration plant with EQ tank, chlorination / dechlorination, post aeration and sludge holding tank with discharge to UNT to Conodoguinet Creek.

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

WQM Permit No. 0811401, Sewerage [SIC 4952], **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810-1701.

This proposed facility is located in Athens Borough, **Bradford County**.

Description of Proposed Action/Activity: Biological Nutrient Removal upgrades required in order to comply with the PA DEP Chesapeake Bay Tributary Strategy.

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

WQM Permit No. 3210201, Industrial Waste, **GenOn Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317

This proposed facility is located in West Wheatfield Township, **Indiana County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater conveyance channel and groundwater collection system.

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 1509022-A1	Tel Hai Retirement Community 1200 Tel Hai Circle PO Box 190 Honey Brook, PA 19344	Chester	Honey Brook Township	Two Log Run (HQ-TSF)
PAI01 151110	Francis Schorn 1532 Montvale Circle West Chester, PA 19380	Chester	West Bradford Township	Broad Run/West Branch Brandywine River (EV-MF)
PAI01 151117	Stephen Fisher 105 Lombard Road Oxford, PA 19363	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)
PAI01 461102	PECO Energy Company 2301 Market Street, S7-2 Philadelphia, PA 19103	Montgomery	Norristown Municipality	Schuylkill River—Sawmill Run (WWF)

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>
PAI024509016	Arcadia Properties, LLC 100 Gateway Drive, Su 310 Bethlehem PA 18017	Monroe	Tobyhanna Twp	Tobyhanna Creek (HQ-CWF, MF)
PAI024511002	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661	Monroe	Hamilton and Ross Twps.	Lake Creek (HQ-CWF, MF)
PAI023911005	Pennsylvania Department of Transportation— Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Lehigh	Lowhill Twp.	Tributary to Jordan Creek (HQ-CWF, MF) Tributary to Haasen Creek (HQ-CWF, MF)
PAI24804022R	Ashview Development Company 226 East Dell Road Bath, PA 18014	Northampton	Bushkill Twp. Moore Twp.	Bushkill Creek (HQ-CWF, MF)
PAS10Q157R(2)	Bismarck Real Estate Partners 2600 Network Boulevard, Su. 130 Frisco, TX 75034	Lehigh	Lower Macungie Twp.	Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608016(2)	Dutzman, Matthew UGI Development Co. One Meridian Blvd. Suite 2C01 Wyomissing, PA 19610	Berks	Ontelaunee Township	Willow Creek (CWF, HQ)

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

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001. (724-378-1701)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050411002	Beaver County Airport Authority 15 Piper Street Beaver Falls, PA 15010	Beaver	Chippewa Township	UNT North Fork Little Beaver Creek (HQ-CWF)
PAI050410003	Beaver County Corporation for Economic Development 250 Insurance Street Beaver, PA 15009	Beaver	City of Aliquippa	Ohio River (WWF)

Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. (814-472-2120)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051110001	Glendale Valley Municipal Authority 1800 Beaver Valley Road Flinton, PA 16640	Cambria	White Township	Clearfield Creek (WWF) and tributaries to Clearfield Creek (CWF); Beaverdam Run and tributaries (CWF); Fallentimber Run and tributaries (CWF); Powell Run and tributaries (CWF) and Sandy Run and Tributaries (HQ-CWF)

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301. (724-228-6774)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056311001	Robert F. Bayer 51 Lively Road Eighty-Four, PA 15330	Washington	Somerset Township	UNT of Little Chartiers Creek (HQ-CWF)

Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601. (724-837-5271)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506001R	Alan & Gwendolyn Latta 5643 Saltsburg Road Murrysville, PA 15668	Westmoreland	Municipality of Murrysville	Haymakers Run (HQ)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage

PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office & Phone No.*

Doylestown Township Bucks County	PAG0200 0908103	Thompson Organization 122 Swamp Road Doylestown, PA 18901	Neshaminy Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG0200 0906083-R	Mack & Roedel Custom Builders, LLC 5910 Stover Mill Road Doylestown, PA 18901	Jericho Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG0200 0911026	Diadon Lutheran Social Ministries 798 Hausman Road Allentown, PA 18104	Unnamed Tributary Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0910003	Mill Creek Inn 923 Taylorsville Road Washington Crossing, PA 18977	Martins Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Borough Bucks County	PAG0200 0911015	Wal-Mart Real Estate Business Trust 2001 SE 10th Street, Mail Stop 5570 Bentonville, AR 72716	Mill Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0911005	Centennial School District 433 Centennial Road Warminster, PA 18974-5455	Southampton Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0910072	James West PO Box 567 Douglassville, PA 19518	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Westtown Township Chester County	PAG0200 1511003	West Chester Area School District 828 Paoli Pike West Chester, PA 19382-4551	Goose Creek/Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Schuylkill Township Chester County	PAG0200 1511022	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Pickering Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAG0200 1506015-R	Sadsbury Arcadia Associates, LP 355 Lancaster Avenue, Bldg C1 Haverford, PA 19041	Buck Run /Unnamed Tributary Back Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Pikeland Township Chester County	PAG0200 1510044	Coldstream Crossing II, LP 458 East King Road Malvern, PA 19355	Powder Mill Creek/French Creek Watershed (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Brandywine Township Chester County	PAG0200 1510019	Carlino East Brandywine, LP 875 Berkshire Blvd, Ste 102 Wyomissing, PA 19610	Beaver Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1511012	290 National Road, LP 224 East Biddle Street West Chester, PA 19380	Indian King Run (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Conshohocken Borough Montgomery County	PAG0200 4611017	Parkview, LP 545 W Germantown Pk, Ste 2 Plymouth Meeting, PA 19462	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG0200 4610040	Whitemarsh Valley Country Club 815 Thomas Road Lafayette Hill, PA 19444	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4611020	Whitpain Township 960 Wentz Road Blue Bell, PA 19422	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 4611037	Willow Grove 2300 Gallub, LP 204 Harding Avenue Bellmawr, NJ 08031	Unnamed Tributary Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Pottsgrove Township Montgomery County	PAG0200 4610100	PA Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Sprogels Run—Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4610098	Horsham Property Associates, LP 1 Bala Avenue, Ste 502 Bala Cynwyd, PA 19004	Park Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4610076	Mary Drexel Home 250 North Bethlehem Pike Ambler, PA 19002	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Norriton Township Montgomery County	PAG0200 4611040	Norristown State Hospital 1001 Sterigere St, Bldg #19 Norristown, PA 19401	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4610066	Linfield Corporate Center, LP 1030 West Germantown Pike Norristown, PA 19403	Unnamed Tributary Schuylkill River	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>
Upper Moreland Township Montgomery County	PAG0200 4610092-1	Upper Moreland Township 117 Park Avenue Willow Grove, PA 19090	War Memorial Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511113	Trustees of University of PA 3101 Walnut Street Philadelphia, PA 19104	Lower Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0101 511110	The John Bartram Association 54th St and Lindberg Blvd Philadelphia, PA 19147	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Scranton Lackawanna Co.	PAG02003511016	Gail Scaramuzzo Lackawanna College 501 Vine Street Scranton, PA 18509	Lackawanna River (CWF, MF)	Lackawanna Co. Conservation District 570-281-9495
Hazle Twp. Luzerne Co.	PAG02004011009	Humboldt 105 Land, LLC c/o Pritzker Realty Group L.P. John K. Poorman 71 South Wacker Drive Suite 4700 Chicago, IL 60606	UNT to Black Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Dallas Twp. Luzerne Co.	PAG02004011010	Misericordia University John Risboskin 301 Lake Street Dallas, PA 18612	Toby Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
City of Bethlehem Northampton Co.	PAG02004811001	Travis McVickers Harleysville DHD, LLC 300 East John St, Su 122 Matthews, NC 28105	UNT to Lehigh River (CWF, MF)	Northampton Co. Conservation District 610-746-1971
West Brunswick Twp Orwigsburg Boro. Schuylkill Co.	PAG02005411010	CBJF Realty Bartush Industries 302 North Washington St. Orwigsburg, PA 17961	UNT to Mahannon Creek (CWF, MF)	Schuylkill Co. Conservation District 570-622-3742
Cumberland Twp. Adams County	PAG02000105025R	Steven Lauriello Summit Partners, LLC (Cambridge Crossing) 100 Colonial Way West Chester, PA 19382	Rock Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Mt. Joy Township Adams County	PAG02000105013R	Gary and Audrey Weiland 126 Heritage Drive Gettysburg, PA 17325	Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Littlestown Boro. Adams County	PAG02000111010	David Wheeler Borough of Littlestown 10 South Queen St. Littlestown, PA 17340	Piney Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636

NOTICES

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*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Broad Top Twp. Bedford County	PAG02000511005	Broad Top Township (SXO-D8) PO Box 57 Defiance, PA 16633	Six Mile Run (WWF, MF)	Bedford Co Conservation District 702 West Pitt Street, Suite 3 Fairlawn Court Bedford, PA 15522
Amity Township Berks County	PAG02000610015	Ralph Yocum JLR Partnership, LLC (Blacksmith Subdv.) 50 West Third Avenue Collegeville, PA 19426	UNT to Manatawny Creek (CWF), UNT Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Washington Twp. Berks County	PAG02000611028	Sterner, George 155 Sterner Road Bechtelsville, PA 19505	Middle Creek (TSF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Amity Township Berks County	PAG02000611009	Two Douglassville Properties, LP (Villa at Morlatton) PO Box 507 Boyertown, PA 19512	UNT to Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hamburg Borough Berks County	PAG02000605082R	Richey, Thomas B. Cedar Hamburg, LLC 524 Camp Hill Mall 32nd St. & Trindle Rd Camp Hill, PA 17011	UNT to Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Maxatawny Twp. Berks County	PAG02000604109R	Robert Ciccone (Arrowhead Business & Industrial Park PO Box 86 Bath, PA 18104	Mill Creek (TSF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Tulpehocken Twp. Berks County	PAG020006011018	David Martin (Martin Poultry Operation) 18 Kurr Road Richland, PA 17087	UNT Little Swatara/UNT Mill Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving
Water/Use**Contact Office &
Phone No.*Ontelaunee Twp.
Berks County

PAG02000609058R

Long, Eugene F.
Stackhouse Seitz and Bensinger
330 Revere Blvd
Sinking Spring, PA 19609Lake
Ontelaunee/Maiden
Creek (WWF)Berks County
Conservation Dist.
1238 County
Welfare Rd,
Ste 200
Leesport, PA
19533-9710
610.372.4657,
Ext. 142Greenfield Twp.
Blair County

PAG2000711011

Ski Gap Community Center,
Richard Ake,
1149 Hillsboro Lane,
Claysburg, PA 16625UNT Frankstown
Branch Juniata
River (WWF) &
South Poplar Run
(CWF)Blair County
Conservation District
1407 Blair Street
Hollidaysburg, PA
16648
814.696.0877, ext 5Freedom Twp.
Blair County

PAG2000711005

Robert Franks, Proj. Mgr.
Sheetz, Inc.
5700 6th Avenue
Altoona, PA 16602UNT Halter Creek
(WWF)Blair County
Conservation District
1407 Blair Street
Hollidaysburg, PA
16648
814.696.0877, ext 5Allegheny Twp.
Blair County

PAG02000711006

Fred Imler Jr.
Imler's Poultry
PO Box 863
Duncansville, PA 16635

Spencer Run (CWF)

Blair County
Conservation District
1407 Blair Street
Hollidaysburg, PA
16648
814-696-0877, ext 5Logan Township
Blair County

PAG2000711010

Kathy Kunkel
Pa. Electric Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Mill Run (WWF)

Blair County
Conservation District
1407 Blair Street
Hollidaysburg, PA
16648
814-696-0877, ext 5Upper Frankford
Township,
Cumberland CountyPAG-02-0021-11-
014Salt Storage Building-Newville
PA Turnpike Commission
Vincent Buser
PO Box 67676
Harrisburg, PA 17106

Rock Run/WWF,MF

Cumberland County
Conservation District
310 Allen Road
Carlisle, PA 17013
717-240-7812Londonderry Twp.
Dauphin County

PAG02002211001

Charles Zeager
Zeager Brothers Inc.
4000 E. Harrisburg Pike
Middletown, PA 17057Lynch
Run/Conewago
Creek (TSF, MF)Dauphin Co
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018
717.921.8100Lower Swatara
Township
Dauphin County

PAG02002210048

Noah W. Kreider & Sons, LLP
1461 Lancaster Road
Manheim, PA 17545Tributary to Swatara
Creek (WWF)Dauphin Co
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018
717.921.8100Swatara Township
Dauphin County

PAG02002211011

The McNaughton Company
4400 Deer Path Rd.,
Suite 201
Harrisburg, PA 17110Swatara Creek
(WWF)Dauphin Co
Conservation District
1451 Peters
Mountain Road
Dauphin, PA 17018
717.921.8100

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Alexandria Boro. & Porter Twp. Huntingdon County	PAG2003111004	Jim Heichel Alexandria Borough-Porter Township Joint Sewer Authority PO Box 113 Alexandria, PA 16611	Frankstown Branch of the Juniata River (WWF)	Huntingdon Co. Conservation Dist. 10605 Raystown Road, Suite A Huntingdon, PA 16652 814.627.1627
Delaware Twp. Juniata County	PAG2 0034 11 002	PADOT District 2-0, c/o Paul McClellan, 1924 Daisy Street Ext., Clearfield, PA 16830	Cocolamus Creek, TSF-MF	Juniata Co. Conservation District 145 Stoney Creek Drive, Suite #4, Mifflintown, PA 17059 717.436.8953
West Manchester Township York County	PAG2006711020	Paul Teyssier Church of the Open Door Eight Carlisle Court York, PA 17408	UNT to Willis Run (WWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Windsor Twp. York County	PAG200670603 OR-1	Perry L. Cisney (Laurel Vistas) 1721 Paulson Drive York, PA 17402	Fishing Creek (TSF, MF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Penn Township York County	PAG2006711009	Hanover Public School District (Sheppard & Myers Stadium) 403 Moul Avenue Hanover, PA 17331	Oil Creek and Codorus Creek (WWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
York Township York County	PAG2006711021	Old Dutch Lane, LLC (Stone Hill Subdivision) PO Box 525 Mountville, PA 17554	Mill Creek (WWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Fairview Twp. York County	PAG2006710008	Kenneth E. Beinhower E. K. Services, Inc. 260 Old York Road New Cumberland, PA 17070	UNT to Marsh Run (WWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Fairview Twp. York County	PAG2006704115R	Poplar Ridge, LP 4075 Market Street Camp Hill, PA 17011	UNT to Yellow Breeches (CWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Monaghan Twp. York County	PAG2006711008	Frank R. Sourbeer 4553 Laurelwood Drive Harrisburg, PA 17110	Yellow Breeches (CWF, MF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430

*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>
York Township York County	PAG2006710037	Frank R. Herron Red Lion School Dist. 696 Delta Road Red Lion, PA 17356	Barshinger Creek (CWF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Dover Township York County	PAG2006710033	John D. Lippa Member's 1st Credit Union 5000 Louise Drive Mechanicsburg, PA 17055	UNT to Fox Run (TSF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Jackson Township York County	PAG2006711010	William J. Conn Jackson Township 439 Roth's Church Rd Spring Grove, PA 17362	Honey Run (TSF)	York Co Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
Wysox Township Bradford County	PAG2000811009	Robert Reeves 28463 Route 220 Milan, PA 18831	Laning Creek WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Huston Township Clearfield County	PAG2001711006	Cresswood Co., LLC PO Box 153 Woodland, PA 16881	Bark Camp Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Mahoning Township Montour County	PAG2004711003	Geisinger Health System 100 N Academy Ave Danville PA 17822	Sechler Run CWF, MF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Rockefeller Township Northumberland County	PAG2004911003	Sunbury Animal Hospital 509 State St Sunbury PA 17801	Little Shamokin Creek CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4
Point Township Northumberland County	PAG2004911004	Shrawder Subdivision 469 Queen St Northumberland PA 17857	UNT to North Branch of Susquehanna River CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4
Limestone Township	PAG2006011009	Amos B. Hoover 274 Hoover Rd Mifflinburg PA 17844	UNT to Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Beaver County Chippewa Township	PAG02000411007	Blackhawk School District 500 Blackhawk Road Beaver Falls, PA 15010	Brady's Run (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 724-378-1701

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Cresson Township	PAG02001111009	Mr. Bob Gage Cresson DPP V, LLC 201 Summit View Drive Suite 110 Brentwood, TN 37027	Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Cambria County Hastings Borough	PAG02001111006	Mr. Kim Kunkle Hastings Machine Company 192 Haida Avenue Hastings, PA 16646	Brubaker Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Cambria County Richland Township	PAG02001111011	Mr. Matthew Smith Laurelco Leasing 933 Eisenhower Boulevard Johnstown, PA 15904	UNT Stonycreek River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Somerset County Lower Turkeyfoot Township	PAG02005611002	CSX Transportation, Inc. 500 Water Street J-275 Jacksonville, FL 32202	Casselman River (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4352
Washington County North Strabane Township	PAG20063060052	CCR PA Racing, Inc. 9107 W. Russell Road Las Vegas, NV 89148	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Washington County City of Washington	PAG2006311020	Chapman Corporation 331 South Main Street Washington, PA 15301	Catfish Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Washington County Canton Township	PAG2006311023	Chevron Environmental Management Company 6101 Bollinger Canyon Road San Ramon, CA 94583 and ARCADIS US, Inc. 50 Fountain Plaza, Suite 600, Buffalo, NY 14202	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Washington County Mt. Pleasant Township	PAG0206311022	Deeter Farms Construction	Burgetts Fork (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Washington County Peters Township School District	PAG0206311017	Peters Township School District 631 East McMurray Road McMurray, PA 15317	UNT to Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774

*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>
Washington County Cecil Township	PAG020063050422	Washington County Authority 100 West Beau Street Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Westmoreland County Unity Township	PAG02006511007	Mark McCall Armstrong Develop, Prop., Inc. 2100 Wharton Street Pittsburgh, PA 15203	Ninemile Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield Township	PAG02006511011	New Enterprise Stone & Lime Company 3912 Rumbaugh Road New Enterprise, PA 16664	Little Sewickley (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Vandergrift Borough	PAG02006511015	USS Real Estate 600 Grant Street, Room 2656 Murrysville, PA 15668	Kiskiminetas River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield Township	PAG2006506030R	Walnut Capital Acquisitions 5500 Walnut Street, Suite 300 Pittsburgh, PA 15232	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Zelienople Borough Butler County	PAG02 0010 11 011	Lutheran SeniorLife 401 South Main Street Zelienople PA 16063	Connoquenessing Creek WWF	Butler Conservation District 724-284-5270
Washington Township Jefferson County	PAG02 0033 11 001	Avera Companies 5847 San Felipe Suite 3200 Houston TX 77057	UNT Keys Run CWF	Jefferson Conservation District 814-849-7463

*General Permit Type—PAG-3**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>
Hilltown Township Bucks County	PAR800043	Republic Environmental Systems (Transportation Group) LLC 21 Church Road Hatfield, PA 19440	Unnamed Tributary to West Branch Neshaminy Creek—2-F	Southeast Region Water Management 484.250.5970
Bristol Township Bucks County	PAR150005	BASF Corporation 6450 Bristol Pike Levittown, PA 19057	Unnamed Tributary to Delaware River—2E	Southeast Region Water Management 484.250.5970
City of Williamsport Lycoming County	PAR234803	Lonza, Inc. 3500 Trenton Avenue Williamsport, PA 17701	Unnamed tributary to Daugherty Run— 10-A and 10-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*Facility Location:
Municipality &
County*Brownsville Borough
Fayette CountyPermit No.
PAR316106*Applicant Name &
Address*
Frac Tech Services, LLC
810 Low Hill Road
Brownsville, PA 15417*Receiving
Water/Use*
Monongahela River*Contact Office &
Phone No.*
Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412-442-4000*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Pennsbury Township
Chester CountyPermit No.
PAG040158*Applicant Name &
Address*
Greg Leeber & Tracy Sabol
278 Foreside Road
Falmouth, ME 04105*Receiving Water/Use*
Bennetts Run—3H*Contact Office &
Phone No.*
Southeast Region
Water Management
484-250-5970Richland Township
Allegheny CountyPermit No.
PAG046426*Applicant Name &
Address*
Charles J. Vrabel, Jr.
13 Dewey Lane
Gibsonia, PA 15044*Receiving Water/Use*
South Branch
Glade Run*Contact Office &
Phone No.*
Southwest
Regional Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8**Facility Name*

Mather WWTP

Permit No.
PAG086115*Applicant Name &
Address*
Lower Ten Mile Joint Sewage
Authority
144 Chartiers Road
Jefferson, PA 15344*Facility Municipality
and County*
Morgan Township
Greene County*Contact Office &
Phone No.*
Southwest
Regional Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Conewago Township
York CountyPermit No.
PAG083505*Applicant Name &
Address*
Springettsbury Township
WWTP
3501 North Sherman Street
York, PA 17401*Site Name &
Location*
Jim Rexroth North
Farm
Conewago Township
York County*Contact Office &
Phone No.*
DEP-SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707*General Permit Type—PAG-10**Facility Location:
Municipality &
County*Auburn Township
Susquehanna CountyPermit No.
PAG102220*Applicant Name &
Address*
PVR Marcellus Gas
Gathering LLC
100 Penn Tower
Suites 201 & 202,
25 West Third Street
Williamsport, PA 17701*Receiving
Water / Use*
Unnamed Tributary
to White Creek—4-G
(CWF)*Contact Office &
Phone No.*
DEP
Northeast
Regional Office
Water Management
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2553

<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>
Jefferson Township Somerset County	PAG106136	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225	UNT to Middle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Middlecreek Township Somerset County	PAG106137	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225	UNT to Middle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Addison Borough Somerset County	PAG106138	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225	UNT of Club Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Henry Clay Township Fayette County	PAG106139	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225	UNT of Glade Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-12

<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>
Lebanon County Heidelberg Township	PAG123556	Marlin Martin Heidelberg Pig Family Farm, LLC 425 North Market Street Myerstown, PA 17067	UNT Tulpehocken Creek / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Southampton Township	PAG123603	Arlin Wadel Wadel Poultry Farm 301 McCollough Road Shippensburg, PA 17257	Gum Run / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Manor Township	PAG123630	James H. Charles 3241 Blue Rock Road Lancaster, PA 17603	Little Conestoga Creek / 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
West Beaver Township, Snyder County	PAG124839	Robert Martin 4227 Ridge Road Beaver Springs, PA 17812	South Branch Middle Creek/ TSF	Northcentral Regional Office, DEP (570)-327-3667

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

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Keystone Dairy Ventures 324 Balance Meeting Road Peach Bottom, PA 17563	Lancaster	621.6	1408.5	Dairy	HQ	
Funk Family Farm Jeff Funk 18255 Ft. Davis Rd. Mercersburg, PA 17236	Franklin	362.7	677.64	Swine/ beef	NA	
McMichael Farm 791 Street Road Oxford, PA 19363	Chester	59.9	432.8	Swine	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0610504 MA, Minor Amendment, Public Water Supply.

Applicant	Hamburg Municipal Authority
Municipality	Windor Township
County	Berks
Responsible Official	Stephen Smith, Chairman 61 North 3rd Street Hamburg, PA 19526
Type of Facility	Construction of a new 1.15 MG finished water storage tank.
Consulting Engineer	Gregory T Unger, P.E. Systems Design Engineering, Inc. 1032 James Drive Leesport, PA 19533
Permit to Construct Issued:	8/1/2011

Permit No. 0611507 MA, Minor Amendment, Public Water Supply.

Applicant	Western Berks Water Authority
Municipality	Lower Heidelberg Township

County	Berks	Consulting Engineer	Mark L Homan, P.E. Becker Engineering LLC 111 Millersville Road Lancaster, PA 17603
Responsible Official	Leonard E Bilger II, Manager 91 Water Road Sinking Spring, PA 19608	Permit to Construct Issued:	8/12/2011
Type of Facility	Construction of a transmission main to serve a portion of Bern Township, Berks County.	Permit No. 0611511 ,	Public Water Supply.
Consulting Engineer	John P Spitko, P.E. Spotts Stevens and McCoy Inc 1047 North Park Road Reading, PA 19610-0307	Applicant	Reading Area Water Authority
Permit to Construct Issued:	8/2/2011	Municipality	Robeson Township
Permit No. 0111502 ,	Public Water Supply.	County	Berks
Applicant	Keystone Diner	Responsible Official	Dean Miller, Executive Director 815 Washington Street Reading, PA 19601
Municipality	Berwick Township	Type of Facility	Construction of a booster chlorination station and chlorine monitoring station for the proposed Robeson Township transmission main.
County	Adams	Consulting Engineer	Thomas L Weld Jr, P.E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Responsible Official	Mark Williams, Operator 999 Baltimore Road York Springs, PA 17372	Permit to Construct Issued:	8/10/2011
Type of Facility	Installation of VOC treatment utilizing ranular activated carbon.	Permit No. 0611516 MA, Minor Amendment ,	Public Water Supply.
Consulting Engineer	Robert H Schemmreling, P.E. RHS Engineering, Inc. 41 S. Antrim Way Greencastle, PA 17225	Applicant	Borough of Fleetwood
Permit to Construct Issued:	8/12/2011	Municipality	Ruscombmanor Township
Permit No. 2211505 ,	Public Water Supply.	County	Berks
Applicant	Borough of Royalton	Responsible Official	Eric Burkert, Water Department Head 110 West Arch Street Suite 104 Fleetwood, PA 19522
Municipality	Royalton Borough	Type of Facility	Rehabilitation of the existing 1.5 MG concrete finished water storage tank.
County	Dauphin	Consulting Engineer	Bradley D. Smith, P.E. ARRO Consulting, Inc. 50 Berkshire Court Suite 104 Wyomissing, PA 19610
Responsible Official	Tildon J. Sides, Borough Council President 101 Northumberland Street Royalton, PA 17057	Permit to Construct Issued:	8/9/2011
Type of Facility	Installation of the Grubb St. Booster Pumping Station.	Permit No. 0111506 MA, Minor Amendment ,	Public Water Supply.
Consulting Engineer	Joshua T. Fox, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111	Applicant	Hoffman Homes, Inc.
Permit to Construct Issued:	8/12/2011	Municipality	Mt. Joy Township
Permit No. 3611519 ,	Public Water Supply.	County	Adams
Applicant	Northwestern Lancaster County Authority	Responsible Official	Michael A. Stonesifer, VP of Safety & Facilities Management 815 Orphanage Road Littlestown, PA 17340
Municipality	Penn Township	Type of Facility	GWR 4-Log treatment of viruses for EP 102—installation of 30' of 24" pipe.
County	Lancaster		
Responsible Official	David Stewart PE, Chairman 97 North Penryn Road Manheim, PA 17545		
Type of Facility	Construction of New Membrane Filtration Plant		

Consulting Engineer Harry E Bingaman, P.E.
Glace Assoc., Inc.
3705 Trindle Rd.
Camp Hill, PA 17011

Permit to Construct 8/12/2011
Issued:

Permit No. 6711511 MA, Minor Amendment, Public Water Supply.

Applicant **Liberty Village Apartments**

Municipality Conewago Township

County **York**

Responsible Official Sandy Hauenstein
PO Box 622
Lemoyne, PA 17049

Type of Facility 4-log treatment of viruses.

Consulting Engineer 1—Not Available

Permit to Construct 8/8/2011
Issued:

Operations Permit issued to: **Western Berks Water Authority**, 3060066, Cumru Township, **Berks County** on 8/9/2011 for the operation of facilities approved under Construction Permit No. 0610507.

Operations Permit issued to: **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 8/9/2011 for the operation of facilities approved under Construction Permit No. 0610529.

Operations Permit issued to: **Arbor Manor Apartments**, 7500037, Watts Township, **Perry County** on 8/11/2011 for the operation of facilities approved under Construction Permit No. 5010507.

Operations Permit issued to: **Shinn Spring Water Company**, 3066531, Cumru Township, **Berks County** on 8/9/2011 for the operation of facilities approved under Construction Permit No. 0610532.

Operations Permit issued to: **United Mobile Homes, Inc.**, 3060043, Greenwich Township, **Berks County** on 8/8/2011 for the operation of facilities approved under Construction Permit No. 0611512 MA.

Operations Permit issued to: **Delm Developers, LLC**, 7010029, Reading Township, **Adams County** on 8/12/2011 for the operation of facilities submitted under Application No. 7010029.

Operations Permit issued to: **Lenwood MHP**, 7280058, Southampton Township, **Franklin County** on 8/12/2011 for the operation of facilities submitted under Application No. 2011501 MA.

Operations Permit issued to: **Menn-O Water Company**, 4440015, Menno Township, **Mifflin County** on 8/10/2001 for the operation of facilities approved under Construction Permit No. 4411503 MA.

Operations Permit issued to: **Quincy Township**, 7280025, Quincy Township, **Franklin County** on 8/9/2011 for the operation of facilities submitted under Application No. 7280025.

Operations Permit issued to: **Columbia Water Company**, 7360123, West Hempfield Township, **Lancaster County** on 8/9/2011 for the operation of facilities approved under Construction Permit No. 3611526 MA.

Operations Permit issued to: **City of Lebanon Authority**, 7380010, North Lebanon Township, **Lebanon**

County on 8/3/2011 for the operation of facilities approved under Construction Permit No. 3809504 MA.

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

Permit No. MA—Operation Public Water Supply.

Applicant **Mountaintop Regional Water Authority**

[Township or Borough] Snow Shoe Township

County **Centre**

Responsible Official Scott J. Cingle, Chairman
Mountaintop Regional Water Authority

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received August 8, 2011

Description of Action Operation of the 420,000 gallon finished water storage tank and 7,400 feet of distribution lines.

Permit No. 263W9-T2—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water Authority**

[Township or Borough] Snow Shoe Township

County **Centre**

Responsible Official Scott J. Cingle, Chairman
Mountaintop Regional Water Authority

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received August 8, 2011

Description of Action Partial transfer of Permit #263W9-T1, issued 2/9/1988 to Snow Shoe Twp. Mun. Auth. (excludes spring source).

Permit No. 8610W-T3—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water Authority**

[Township or Borough] Burnside Township

County **Centre**

Responsible Official Scott J. Cingle, Chairman
Mountaintop Regional Water Authority

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received August 8, 2011

Description of Action Transfer of PWS Permit No. 8610W-T2 (issued 11/10/88 to Pine Glen Water Assoc., Inc.).

Permit No. 1471502-T1—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water Authority**

[Township or Borough] Snow Shoe & Burnside Townships

County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Transfer PWS Permit #1471502
 (issued 5/28/71 to Mt. Top Area
 Water Assoc., Inc.).

Permit No. 1493503-T1—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Snow Shoe Township
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Well #1; Transfers Permit
 #1493503, issued 7/12/1994 to
 Snow Shoe Boro. Auth.

Permit No. 1499503-T1—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Snow Shoe Township
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Well #2, tran. line to 1st
 customer, transfers Permit
 #1499503, issued 10/24/2000 to
 Snow Shoe Boro. Auth.

Permit No. MA (2/24/97)-T1—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Snow Shoe & Burnside
 Townships
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011

Description of Action Install telemetry control system;
 Transfers Mttop Area Water
 Assoc. Permit #MA(2/24/97).

Permit No. MA(8/19/94)-T1—Transfer Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Burnside Township
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Pump motor replacement.
 Transfer of PWS# MA(8/19/94)
 from Pine Glen Water Assoc. Inc.

Permit No. MA(11/10/88)-T1—Operation Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Burnside Township
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Feeding sodium
 hexametaphosphate. Transfer
 PWS# MA(11/10/88) from Pine
 Glen Water Assoc.

Permit No. MA(1499503)-T1—Operation Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Snow Shoe Township
 County **Centre**
 Responsible Official Scott J. Cingle, Chairman
 Mountaintop Regional Water
 Authority
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Application Received August 8, 2011
 Description of Action Modifications to Well #2.
 Transfer PWS# 1499503.

Permit No. MA-GWR-T1—Operation Public Water Supply.

Applicant **Mountaintop Regional Water
 Authority**
 [Township or Borough] Snow Shoe Township
 County **Centre**

Responsible Official Scott J. Cingle, Chairman
Mountaintop Regional Water Authority

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received August 8, 2011

Description of Action 4-log inactivation of viruses at Entry Point 101 (Well Nos. 1 & 2); transfers 3/21/11 permit/

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Benton Municipal Water & Sewer Authority**

[Township or Borough] Benton Borough

County **Columbia**

Responsible Official John Watson, Chairman
Benton Municipal Water & Sewer Authority
P. O. Box 516
Benton, PA 17814

Type of Facility Public Water Supply

Consulting Engineer Edward Pietroski, Project Manager
Entech Engineering, Inc.
685 South Mountain Blvd., Suite A
Mountaintop, PA 18707

Application Received August 11, 2011

Description of Action Replace fiberglass filter vessels with steel vessels.

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

Operations Permit issued to: **Jenner Township**, 2058 Lincoln Highway, Boswell, PA 15531, (PWSID #4560054) Jenner Township, **Somerset County** on August 4, 2011 for the operation of facilities approved under Construction Permit # 5608507A1.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) **Allegheny** and **Washington Counties** on August 12, 2011 for the operation of facilities approved under Permit # 8680WT1MA.

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>
West Earl Township	157 West Metzler Rd Brownstown, PA 17508	Lancaster

Plan Description: Approval of a revision to the Official Sewage Plan of West Earl Township, Lancaster County. The plan revision provides for the expansion of a private sewage treatment plant serving Fairmont Homes Retirement facility. The Sewage Treatment Plant will increase

its capacity from 30,000 to 50,000 gpd and necessary treatment upgrades will also occur. The plant discharges to the Conestoga River. The property is located at 333 Wheat Ridge Drive in West Earl Township, Lancaster County. 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 A3-36959-190-3 and the APS number is 751020. Any required WQM Permits must be obtained in the name of the property owner.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Springfield Township	9211 Susquehanna Trail South, Seven Valleys, PA 17360	York County

Plan Description: James & Debra Eberly, DEP Code No. A3-67958-230-3s: The approved plan provides for a small flow treatment facility to replace an existing and malfunctioning on-lot disposal system at 7268 Ironstone Hill Road in Springfield Township, York County. Total estimated sewage flows are 700 gpd tributary, and there will be a proposed discharge to an unnamed tributary of the East Branch of the Codorus Creek. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response

Jeannette Glass Company Site, City of Jeannette, Westmoreland County

The Pennsylvania Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. Section 6020.101 et. Seq. ("HSCA"), is proposing a response action for the Jeannette Glass Company Site. The Jeannette Glass Company Site ("Site") is located at 600 Bullitt Avenue in Jeannette, PA and is currently owned by Zion Bullitt Avenue Limited Partnership.

The Site consists of about 13.5 acres and was once the location of a glass manufacturing facility. The facility has been idle since about 1986. Exposed glass waste and material in drums, transformers, tanks, and other containers have been abandoned on the Site. Many of the containers are in poor condition and/or leaking. Results of samples taken by the Department of container contents and of glass waste piles found elevated levels of hazardous substances including barium, lead, cadmium, selenium, arsenic, MIBK, toluene, MEK, acetone, benzene, PCBs, and asbestos.

The current and/or potential threat from the Site to human health or welfare is the direct contact to persons entering the areas where there are hazardous substances and to persons off site who may be impacted by wind dispersion of contamination. The current and/or potential threat to the environment is contamination of the soil, groundwater, and surface water as a result of leaking containers and leaching from exposed glass waste. Based on these findings, the Department has determined that further response is appropriate.

The following alternatives were evaluated: (1) no action, (2) overpack and secure leaking containers, cover

exposed waste piles, upgrade fence to prevent access, and (3) remove and dispose of material in containers and exposed glass waste.

The DEP has proposed Alternative 3 because it complies with the applicable, relevant, and appropriate requirements (“ARARs”). Alternative 1 does not comply with the ARARs and Alternative 2 complies with the ARARs, but on a short term basis.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Departments Southwest Office at 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review Monday through Friday from 8:00 AM to 4:00 PM. Arrangements can be made to review the record by contacting the office at (412) 442-4000.

The administrative record will be open for comment from August 27, 2011 until November 25, 2011. Persons may submit written comments into the record during this time only, by sending them to Dawna Saunders at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing scheduled on October 20, 2011 at 6:30 PM in the City of Jeannette’s Council Chambers located at 110 South 2nd Street, Jeannette PA 15644. Persons wishing to present comments must register with Katy Gresh before October 20, 2011 by telephone at (717) 787-1323 or in writing at DEP Communications Office, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Katy Gresh at (717) 787-1323 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

Proposed Consent Order and Agreement

Vandor Manufacturing HSCA Site, Doylestown Township, Bucks County

The Department of Environmental Protection (“Department”), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (“HSCA”), 35 P. S. § 6020.1113, has entered into a Consent Order and Agreement with RLA Real Estate, LLC (“RLA”), for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the Vandor Manufacturing HSCA Site in Bucks County, PA (“the site”).

This site is located at 760 Edison Furlong Road in Doylestown Township, Bucks County, PA. It consists of 0.638 acres or 5,520 square feet of commercial business space. Trichloroethene (“TCE”) is the contaminant of concern affecting the site. This contaminant is sometimes used as a solvent and degreaser. The site was formerly used for the manufacture of circuit boards and electronic components.

A Department investigation of private wells on and in the vicinity of the site indicates that there has been a release and threatened release of TCE on the site. Additionally, the Department found 1,4-dioxane, a solvent stabilizer in certain private wells near the site. To

respond to the contamination, the Department fitted impacted private wells with carbon filtration systems to remove the TCE and provided bottled water to homes where it detected 1,4-dioxane. RLA desires to purchase the site and intends to develop it for use related to its landscaping and snow removal business, including automobile and equipment repair.

This notice is provided under Section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments”. The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department’s Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either David Ewald at (484) 250-5725 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Ewald and Ms. Thomas may also be contacted electronically at dewald@pa.gov and githomas@pa.gov, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today’s date. Persons may submit written comments regarding the agreement within 60 days from today’s date, by submitting them to Mr. Ewald at the above address.

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

Lansdale Medical Group Building, Upper Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, PO Box 370, Blue Bell, PA 19422 on behalf of Carrie Johnson, Professional Realty Partnership c/o Halfpenny Management Company, PO Box 739, Ardmore PA 19003 has submitted a 90 day Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Rohm and Haas Chemical LLC Philadelphia Plant East Area 2, City of Philadelphia, **Philadelphia County**. Brandt Butler, URS Corporation, 355 Commerce Drive, Suite 300, Fort Washington PA 19034, David Kistner, URS Corporation, 355 Commerce Drive, Suite 300, Fort Washington PA 19034 on behalf of Carl Coker, Rohm and Haas Chemical LLC, 3100 State Road, Croydon, PA 19021 has submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning remediation of site soil contaminated with other organic and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard and Statewide Health Standard.

Hagerty, Graziano, and Strong Residence, Springfield Township, **Bucks County**. Richard D. Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Ed Zucker, State Farm Insurance, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Patrick & Jacqueline Hagerty, Joanne Graziano and Rose Strong has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Simone Residence, Norristown Borough, **Montgomery County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Maria Simone, 221 Bryans Road, Norristown, PA 19401 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Dillon Residence, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg PA 18073, Clark Miller, State Farm, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Buddy Dillon, 115 Violet Wood Drive, Levittown, PA 19057 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Kurt Guthnecht Property, Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlick, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Kurt Gutknecht, 75 Vermillion Drive, Levittown, PA 19054 has submitted a Final Report concerning remediation of site soil contaminated

with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Transmontaigne Site, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Second Floor, Philadelphia, PA 19104, William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Second Floor, Philadelphia, PA 19104, Jon Edelstein, Philadelphia Department of Commerce, 1515 Arch Street, 12th Floor, Philadelphia, PA 19102 on behalf of Elizabeth Gabor, Philadelphia Industrial Development Corporation, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Remedial Investigation/ Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

Esperanza-Health Center, City of Philadelphia, **Philadelphia County**. John Luxford, Malcolm, Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406, Meredith Langille, Malcolm Pirnie Suite 310, King of Prussia, PA 19406 on behalf of Susan Post, Esperanza Health Center, 3156 Kensington Avenue, Philadelphia, PA 19134 has submitted a Final Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

Superior Tube, Lower Providence Township, **Montgomery County**. Paul Miller, P.E., Environmental Alliance Inc., 5341 Limestone Road Wilmington, DE 19808 on behalf of Rick Warren, Superior Tube Company, 100 Front Street, Suite 525, West Conshohocken, PA 19428 has submitted Cleanup Plan and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

Mark II Associates Properties, Folcroft Borough, **Delaware County**. James Conner, P.G., TWT, 1300 Horizon Drive, Suite 112, Chalfont, PA 18914, Ed Eichen, The OAK Group, Inc., 200 Federal Street, Suite 300, Camden, NJ 08103 on behalf of Cynthia Ray, Mark II Associates, Inc., 266 South 23rd Street, Philadelphia, PA 19103 has submitted a Remedial Investigation Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

Bishop Tube, East Whiteland Township, **Chester County**. Gerald Kirkpatrick, Environmental Standard, Inc., 1140 Valley Forge Road, Valley Forge, PA 19483 on behalf of Richard Heany, Constitution Drive Partners, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a 90 day Final Report concerning remediation of site soil contaminated with pcb. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Evelyn Sanders Townhomes Phase II, City of Philadelphia **Philadelphia County**. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Paul Aylesworth, Evelyn Sanders 2, LP, 407 Fairmount Avenue, Philadelphia, PA 19123 has submitted a Final Report concerning remediation of site soil contaminated with lead and inorganics.

The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

Stove Works Facility, Hatboro Borough, **Montgomery County**. Wesley P. Fitchett, P.G., Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of David Kilcoyne, Apple Construction, Inc., 107 Lake Drive, Holland, PA 18966 has submitted a Final Report/Cleanup Plan concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

Columbia Lighting, Borough of Bristol, **Bucks County**. Steven Tanen, AMEC Earth & Environmental, 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462, Bonnie Barnett, JUSI Holdings; USI Canada, Inc; and Jacuzzi Brands Corporation, c/o Drinker Biddle & Reath, LLP, One Logan Square, Suite 200, Philadelphia, PA 19103-6996 on behalf of Michael Scott Feeley Esq. has submitted a Final Report/Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with pcb. The report is intended to document remediation of the site to meet the Site Specific Standard and Statewide Health Standard.

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

RSM Properties, LLC Remediation Site, Southwest Corner of Wyoming Avenue and Linden Street, Scranton City, **Lackawanna County**. James LaRegina, Herbert, Rowland, & Grubic, Inc., 369 East Park Drive, Harrisburg, PA has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, RSM Properties, LLC, 461 From Road, Paramus, NJ 07652), concerning the remediation of soil and groundwater found to have been impacted by PCE constituents as a result of historical operations at the former commercial and retail facilities located at the site. The combined report was submitted to document attainment of the Site-Specific Standard for soil and groundwater. A public notice regarding the submission of the combined Remedial Investigation Report/Final Report was published in The Scranton Times on July 27, 2011.

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

Former United Stitches of America, 38 West Main Street, Quentin, PA 17083, West Cornwall Township, **Lebanon County**. Earth Resource Associates, Inc., 544 Hemlock Lane, Lebanon, PA 17042, on behalf of Fulton Financial Corporation, One Penn Square, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Railroad Associates Corporation, US Route 15S Supplee Mill Road, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Railroad Associates Corporation, 4910 Simpson Ferry Road, Mechanicsburg, PA 17050 has submitted a Final Report within 90 days of release concerning remediation of site soil contaminated with diesel fuel and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Getty Pumping Station Griffith Road, Muncy Creek Township, **Lycoming County**. SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Texaco Downstream Properties, Inc., c/o CBRES, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with various volatile and semi volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

Asplundh Construction Corp. Accident, Brennan's Farm Road (SR2034), Mount Carmel Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Asplundh Construction Corporation, 250 Laird St., Plains, PA 18705 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel and hydraulic fluid. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Mark Cromley Excavating Accident, I-180MM6W, Delaware Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Mark Cromley Excavating, 69 Campbell Mill Road, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil and hydraulic oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Eugene Weaver Accident, Pleasant Grove Road, West of Rand Road, West Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Eugene Weaver, 4695 Pleasant Grove Road, Mifflinburg, PA 17844, has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Esperanza Health Center, City of Philadelphia, **Philadelphia County**. Meredith Langille, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406, John Luxfod, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Susan Post, Esperanza Health Center, 4417-53 North 6th Street, Philadelphia, PA 19140 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Cleanup Plan/Remedial Investigation Report was approved by the Department on June 29, 2011.

Hagerty, Graziano, and Strong Residence, Springfield Township **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 1807, Ed Zucker, State Farm Insurance, P. O. Box 8061, Ballston Spa, NY 12020 on behalf of Patrick Hagerty, Jacqueline Hagerty, Joanne Graziano and Rose Strong, 3849 Hunter Road, Kintnersville, PA 18930 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 27, 2011.

Lonza Inc., Upper Merion Township, **Montgomery County**. Michael Gonshor, Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Paul Sieracki, Lonza America, Inc. North America SHE, 90 Boroline Road, Allendale, NJ 07401 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site groundwater and soil contaminated with inorganics. The Remedial Investigation/Risk Assessment Report was approved by the Department on July 28, 2011.

Richards Apex, Inc., City of Philadelphia, **Philadelphia County**. Douglas Schott, P.G., Brickhouse Environmental 515 South Franklin Street, West Chester, PA 19382 on behalf of David Richards, Richards Apex, Inc., 4202-4224 Main Street, Philadelphia, PA 19127 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganic. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 27, 2011.

Delaware River Bridge Toll Plaza, Bristol Township **Bucks County**. John R. Boulanger, GAI Consultants, Inc. 385 East Waterfront Drive, Homestead, PA 15120, on behalf of Deann S. Metro, Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning the remediation of site groundwater contaminated with other inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 27, 2011.

PECO Wyncote MGP, Cheltenham Township **Montgomery County**. Matthias Ohr, URS Corporation, 35 Commerce Drive Suite 300, Fort Washington, PA 19034, Keith Kowalski, PECO, 2301 Market Street, S7-PO Box 8699, Philadelphia, PA 19101 on behalf of David Kraynik, Cheltenham Township Manager, 8230 Old York Street, Elkins Park, PA 19027 has submitted a Final Report concerning the remediation of site groundwater contaminated with pah's and other organics. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 15, 2011.

Enterprise Rent A Car Region CC Site, City of Philadelphia **Philadelphia County**. Christopher Collet, ERM, 350 Eagleview Blvd, Suite 200, Exton, PA 19341 on behalf of Scot Schuskio, Enterprise Rental-a-Car, 1700 North Radnor-Chester Road, Suite 200, Radnor, PA 19087 has submitted a Final Report/Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with lead, benzene and arsenic. The Final Report/Cleanup Plan and Remedial Investigation Report were approved by the Department on July 26, 2011.

Lawrie Property, East Nottingham Township **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg PA 18073, Frank Lynch, EnviroLink, Inc., 165 Daleville Road, Cochranville PA 19330 on behalf of Ed Lawrie, 244 Upper Valley Road, Christiana, PA 17509 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 7, 2011.

Flounders Residence, Nether Providence Township **Delaware County**. Marc Brenner, Lewis Environmental, Inc., 101 Carroll Drive, New Castle, DE 19720, Jodi Deep, Superior Plus Energy Services, 760 Brooks Avenue, Rochester, NY 14619 on behalf of William Flounders, 855 Parkridge Drive, Media, PA 19063 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 7, 2011.

Prozzillo Residence, Warrington Township **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422, Jill S. Haimson, CGWP, PG, Preferred Environmental Services and Supplies, Inc, P. O. Box 370, Blue Bell, PA 19422 on behalf of

Pasquale and Doris Prozzillo, 2348 Upper Barness Road, Warrington, PA 18976 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 6, 2011.

Questa Residence, Upper Merion Township **Montgomery County**. Richard d. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 19406, Clarie Erskin Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Charles Questa, 562 Charles Drive, King of Prussia, PA 19406 has submitted a Final Report concerning 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 6, 2011.

Norfolk Southern Railway Company, Lower Merion Township **Montgomery County**. Michael Shannon, AECOM, Inc., 125 Rock Road, Horsham, PA 19044 on behalf of John Casey, Norfolk Southern Railway Company, 4600 Deer Path Road, Room 14B, Harrisburg, PA 17110-3927 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 8, 2011.

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

Austin's Auto Service, 1843 West Broad Street, Bethlehem City, **Lehigh County**. Scott Campbell and Andrew Gutshall, EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 submitted a combined Remedial Investigation Report/Final Report (on behalf of their client, Austin's Auto Service, 1843 West Broad Street, Bethlehem, PA 18018), concerning the remediation of soil found to have been impacted by unleaded gasoline as a result of historical operations at a former gasoline station and the current auto service station. The combined report documented attainment of the Site-Specific Standard for soil and was approved by Central Office on August 5, 2011.

Silgan Closures, 350 Jaycee Drive, Hazle Township, **Luzerne County**. Randy L. Shuler, ERM, Inc., 250 Phillips Boulevard, Suite 280, Ewing, NJ 08618 has submitted a Final Report (on behalf of his client, Amcor Rigid Plastics—Global, 935 Technology Drive, Suite 100, Ann Arbor, MI 48108-8918), concerning the remediation of soil and groundwater found to have been impacted by VOCs and chlorinated solvents as a result of a release from an underground storage tank farm, which contained xylene and a non-point source for the solvents. The submitted report documented attainment of a combination of the Non-Residential Statewide Health Standard for soil and groundwater and the Site-Specific Standard for groundwater. The Final Report was approved on August 10, 2011.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Former Pickelner Fuel Company Inc. Property, Loyalsock Township, **Lycoming County**. Chambers Environmental Group, 629 Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Pickelner Fuel Company, Inc., 210 Locust St., Williamsport, PA 17701 (site is located at 2500 E. 3rd St., Williamsport) has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated

with leaded and unleaded gasoline. The Report was approved by the Department on August 3, 2011.

Green Lawn Memorial Park, Clinton Township, **Lycoming County**. URS Corporation, 4507 North Front Street, Suite 200, Harrisburg, PA 17110, on behalf of StoneMor Partners, LP, 927 Nathaniel Trail, Warwick, PA 18974 has submitted a Final Report within 90 days of release 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 August 2, 2011.

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

Calumet Lubricants Rouseville Plant 1 (PQS Company Former Rouseville Refinery Plant 1), Rouseville Borough, **Venango County**. URS Corporation, 1125 Mill Mar Road, Lancaster, PA 17601 on behalf of Pennzoil-Quaker State Company, 700 Milam, Houston, TX 77002 has submitted a Cleanup Plan concerning the remediation of site soil and site groundwater contaminated with separate phase liquids. The Cleanup Plan was approved by the Department on July 26, 2011.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP1-23-0152: Limestone Properties, LLC (903 Industrial Highway, Eddystone, PA 19022) on August 8, 2011, to construct and operate a natural gas-fired 20.16-MMBtu cleaver brooks boiler in Eddystone Borough, **Delaware County**.

GP1-15-0103: Huhtamaki Films, Inc. (2400 Continental Boulevard, Malvern, PA 19355) on August 12, 2011, to construct and operate a natural gas-fired 14.645-MMBtu cleaver brooks boiler in Tredyffrin Township, **Chester County**.

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

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

39-302-197GP1: Dan Schantz Farm & Greenhouses LLC (8025 Spinnersville Road, Zionsville, PA 18092) on July 28, 2011, to construct and operate three (3) boilers at their site in Lower Milford Township, **Lehigh County**.

58-310-042GP3: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on July 26, 2011, to the construct and operate a Portable Crushing Operation with watersprays in Rush Township, **Susquehanna County**.

58-329-034GP9: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on July 26, 2011, to install and operate a Diesel I/C Engine in Rush Township, **Susquehanna County**.

66-310-026GP3: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on July 22, 2011, to construct and operate a Portable Crushing

Operation with watersprays at their Mazzara Site in Washington Township, **Wyoming County**.

66-329-011GP9: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on July 22, 2011, to install and operate a Diesel I/C engine at their Mazzara Site in Washington Township, **Wyoming County**.

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

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

GP5-17-475: EXCO Resources (PA), Inc. (3000 Ericson Drive, Suite 200, Warrendale PA 15086) on July 28, 2011, two renew authorization to use 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) and operate an engine-compressor, dehydration unit and ancillary equipment (valves, flanges, etc.) at the Strong Compressor Station located in Jordan Township, **Clearfield County**.

GP5-17-437: EXCO Resources (PA), Inc. (3000 Ericson Drive, Suite 200, Warrendale PA 15086) on July 29, 2011, for renewal of this authorization to use 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) and operate an engine-compressor, dehydration unit and ancillary equipment (valves, flanges, etc.) at the Strong Compressor Station located in Jordan Township, **Clearfield County**.

GP5-08-290B: EOG Resources, Inc. (400 Southpointe Blvd, Canonsburg, PA 15317) on May 4, 2011, for the construction and operation of two 1380 bhp Caterpillar model G3516LE natural gas-fired compressor engines with oxidation catalysts 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 Bradford Compressor Station in Springfield Township, **Bradford County**.

GP5-17-28A: Caiman Penn Midstream, LLC (5949 Sherry Lane, Suite 645, Dallas, Texas 75225) on March 5, 2010, for the change of ownership of one natural gas-fired compressor engine rated at 670 brake-horsepower and one 200,000 Btu per hour glycol dehydrator 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 Clearfield Compressor Station in Boggs Township, **Clearfield County**.

GP5-59-189B: Talisman Energy USA, Inc. (50 Penwood Place, Warrendale, PA 15086) on August 2, 2011, for the construction and operation of seven additional 1380 bhp Caterpillar model G3516B ultra-lean-burn compressor engines each equipped with oxidation catalysts, one 35 MMscf/day dehy unit with 0.75 MMBtu/hr reboiler, and two 176 bhp Cummins model GGHG rich-burn natural-gas-fired emergency generators each equipped with three-way catalysts integrated into each unit and for the continued operation of five 1380 bhp Caterpillar model G3516ULB four-stroke lean-burn natural gas-fired compressor engines each equipped with oxidation catalysts and two Natco glycol dehydrators each rated at 35 MMscf/day with a 0.275 MMBtu/hr reboiler 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 Tract 587 State Lands Compressor Station in Ward Township, **Tioga County**.

GP5-59-198A: Ultra Resources, Inc. (304 Inverness Way South, Suite 295, CO 80112) on August 25, 2010, for the construction and operation of one 1340 bhp natural gas-fired compressor engine, one 40 MMscf/day glycol dehydration unit, one natural gas-fired line heater rated at 2.0 MMBtu/hr, two natural gas-fired line heaters each rated at 0.75 MMBtu/hr, one natural gas-fired glycol reboiler rated at 0.65 MMBtu/hr, and one glycol still vent combustor rated at 0.65 MMBtu/hr 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 Lick Run Compressor Station in Gaines Township, **Tioga County**.

GP5-08-342: Talisman Energy USA, Inc. (50 Penwood Place, Warrendale, PA 15086) on August 3, 2011, for the construction and operation of twelve 1380 bhp Caterpillar model G3516B ultra-lean-burn compressor engines each equipped with Miratech model SP-ZHSI-30x31-14 oxidation catalysts, two 60 MMscf/day dehy units each with a 0.75 MMBtu/hr reboiler, and one 208 bhp Generac model QT 130A rich-burn natural-gas-fired emergency generator 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 Edsell Compressor Station in Pike Township, **Bradford County**.

GP3-08-348: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on August 3, 2011, authorize the construction and operation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Edwards facility located in Pike Township, **Bradford County**.

GP9-08-348: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on August 3, 2011, authorize the construction and operation of a 350 brake horsepower, Caterpillar model C-9 MBD10805 diesel-fired engine and three (3) 100 brake horsepower Deutz model TCD2012L04 2V diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Edwards facility located in Pike Township, **Bradford County**.

GP5-41-648: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on August 5, 2011, for the construction and operation of one 384 bhp AJAX model DPC-2802 LE two-stroke lean-burn natural gas fired, one 20 MMscf/day NATCO SB12-6 dehydration unit equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank 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 Graham #2 Compressor Station located in McNett Township, **Lycoming County**.

GP5-41-649: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on August 5, 2011, for the construction and operation of one 384 bhp AJAX model DPC-2802 LE two-stroke lean-burn natural gas fired, one 20 MMscf/day NATCO SB12-6 dehydration unit equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank pursuant to the General Plan Approval and/or General Operating Permit for Natu-

ral Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Delciotto Compressor Station located in McNett Township, **Lycoming County**.

GP5-59-220: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on August 5, 2011, for the construction and operation of three 1380 hp Caterpillar model G3516B four-stroke lean-burn natural-gas fired compressor engines, two 20 MMscf/day NATCO SB12-8 dehydration units each equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank 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 Trimble Compressor Station located in Union Township, **Tioga County**.

GP5-08-350: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on August 5, 2011, for the construction and operation of one 1380 hp Caterpillar model G3516B four-stroke lean-burn natural-gas fired compressor engines, one 20 MMscf/day NATCO SB12-8 dehydration units each equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank 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 Groff Compressor Station located in Canton Township, **Bradford County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-03-00979A: Snyder Brothers Inc. (90 Glade Drive, Kittanning, PA 16201) on August 8, 2011, to allow the installation and operation of an additional natural gas-fired compressor engine rated at 840 bhp under GP-5 for natural gas production at the Mushroom Mine Compressor Station, located in West Franklin Township, **Armstrong County**. A total of two compressor engines are authorized at the facility.

GP5-03-00254: Appalachia Midstream, LLC. 3000, Ericsson Drive, Suite 200, Warrendale, PA 15086 on August 8, 2011, to allow the installation and operation of one (1) new natural gas-fired compressor engine rated at 1,380 Bhp at their EXCO Manor Compressor Station located in Kittanning and Plumcreek Township **Armstrong County**, PA. One (1) compressor engine is authorized for operation at this site.

GP5-63-00934C: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on August 11, 2011, to account for the existing oxidation catalysts on all existing compressor engines, account for the operation of a single dehydrator and 0.75 MMBtu/hr reboiler, and to increase natural gas throughput of their dehydrator to 40 MMscf/day at their Godwin Compressor Station, located in Canton Township, **Washington County**. A total of five compressor engines are authorized for operation at this site.

GP9-63-00934A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on August 11, 2010, to allow the installation and operation of one new emergency generator driven by a diesel-fired engine rated at 197 bhp at the Godwin Compressor Station, located in Canton

Township, **Washington County**. A total of two emergency diesel-fired engines are authorized for operation at this site.

GP4-63-00964: Washington Rotating Control Heads Inc. (63 Springfield Ave, Washington, PA 15302-5239) on August 11, 2011, to allow the installation and operation of a burn off oven under GP-4 for Burn Off Ovens at their facility in Washington Township, **Washington County**.

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

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

GP5-43-331C: Laurel Mountain Midstream Operating, LLC, Lake Wilhelm Compressor Station (223 Grange Road, Cochranon, PA 16314), on August 9, 2011, for the operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Deer Creek Township, **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

09-0215A: National Sales and Supply (3800 Marshall Lane, Bensalem, PA 19020) on August 5, 2011, for installation of a 2nd control device in series with the existing cyclone on the Salt Dryer at a facility in Bensalem Township, **Bucks County**. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

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

40-399-071: PPL Electric Utilities Corp (769 Salem Blvd., Berwick, PA 18603) on July 18, 2011, for their existing cooling towers and emergency water spray pond into their existing operating permit at their facility in Salem Township, **Luzerne County**.

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

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

38-05011D: Plain N Fancy Kitchens (Oak Street & Route 501, PO Box 519, Schaefferstown, PA 17088-0519) on August 10, 2011, to reactivate two wood kitchen cabinet surface coating booths at the wood kitchen cabinet manufacturing facility in Heidelberg Township, **Lebanon County**.

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

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

08-00043A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823), issued plan approval

on August 1, 2011 for the construction of a 600 ton per hour sand and gravel wash plant at their Green's Land-ing facility. This facility is located in Athens Township, **Bradford County**.

08-313-004J: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on August 4, 2011, for construction and operation of process equipment (Source IDs P211) to manufacture ammonium para-tungstate (APT) and associated control device and in-crease throughput for existing equipment that produces APT for their facility, in North Towanda Township, **Bradford County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

04-00731: U.S. Electrofused Mineral Inc. (600 Steel Street, Aliquippa, Beaver County, PA 15001) on August 08, 2011, to allow the mineral processing operation at their Facility in Aliquippa City, **Beaver County**.

04-0083B: Beaver Valley Alloy Foundry Co. (1899 Broadhead Road, Monaca, PA 15061) on August 09, 2011, to allow the installation of a new dust collector at their Facility located in Monaca Borough, **Beaver County**.

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

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

24-1310: SGL Carbon LLC (900 Thersia Street, St Marys, PA 15857), on August 9, 2011, to install four (4) new reactors and two (2) wet scrubbers to control emis-sions of hazardous air pollutants (HAPS). This action is under Plan Approval 24-1310 for the facility in the City of St Marys, **Elk County**.

Plan Approval Revisions Issued including Exten-sions, Minor Modifications and Transfers of Own-ership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

15-0136: Thomas Medical Products, Inc. (65 Great Valley Parkway, Malvern, PA 19355) on August 5, 2011, to operate a prep and cleaning operation in Malvern Bor-ough, **Chester County**.

46-0020B: John Middleton Company (418 West Church Road, King of Prussia, PA 19406) on August 10, 2011, to operate a top dressing drum #2 in Upper Merion Township, **Montgomery County**.

23-0014G: Kimberly-Clark PA, LLC. (Front and Av-enu of the States, Chester, PA 19013) on August 10, 2011, to operate (2) two handling units in City of Chester, **Delaware County**.

09-0196A: Abington Reldan Metals, LLC. (550 Old Bordertown Road, Fairless Hills, PA 19030) on August 11, 2011, to operate small ball mills and sifters in Falls Township, **Bucks County**.

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

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

06-05024C: GenOn REMA, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on August 5, 2011 for the installation of a carbon injection system for mercury control on the utility boilers at the Titus electric power plant located in Cumru Township, **Berks County**. The plan approval was modified to reflect changes in company contact information.

06-05069Q: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147, Lyon Station, PA 19536) on August 5, 2011, for modifications and additions to the A-4 battery assembly plant and lead oxide mills at the lead acid battery manufacturing facility located in Richmond Township, **Berks County**. The plan approval was ex-tended.

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

65-00630B: Mine Safety Appliances—MSA, Co. (P. O. Box 426 Pittsburgh, PA 15230-0426) on August 11, 2011, with an expiration date of February 11, 2012, to allow for continued temporary operation of sources covered under plan approval PA-65-00630B at the MSA Murrysville facility, located at 3880 Meadowbrook Road, Murrysville, **Westmoreland County**.

32-00398A: Western Allegheny Energy, Inc. (301 Market Street, Kittanning, PA 16201) on August 9, 2011, to extend the period of temporary operation of the coal preparation plant covered under plan approval 32-00398A until February 10, 2012 located in Young Township, **Indiana County**. The plan approval has been extended

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

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

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

06-05085: New Morgan Landfill Co., Inc. (420 Quarry Road, PO Box 128, Morgantown, PA 19543-0128) on August 2, 2011, for the New Morgan Landfill in New Morgan Borough, **Berks County**. The Title V permit was renewed.

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

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

59-00004: Ward Manufacturing, LLC (PO Box 9, 117 Gulick Street, Blossburg, PA) on August 4, 2011, issued a renewal Title V Operating Permit 59-00004 for their facility in the Borough of Blossburg, **Tioga County**. Renewal Title V Operating Permit 59-00004 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State air regulations.

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

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

24-00083: Mersen USA—St. Marys PA Corp.—Carbone of America Industries Corp. (215 Stackpole Street, Saint Marys, PA 15857-1401) on August 9, 2011, for renewal of the Title V Operating Permit. in the City of Saint Marys, **Elk County**. The facility manufactures Carbon and Graphite Products. The facility's major emission sources include crushers, coke and graphite mills, screening operation, pulverizers, blenders, mixers, curing ovens, CBH kilns, carbottom kilns, dryers, jet mill, graphite machining lathes, extrusion press, pit oven, batch graphitizers, excess air ovens, graphite machining saw grinders, two parts washers, Raymond mills, miscellaneous sources exhaust outside the facility and isostatic system. The facility is a major facility due to its potential to emit of particulate matter less than 10 microns in diameter. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

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

15-00052: Allan A. Myers, L.P.-d/b/a Independence Construction Materials Asphalt Plant (Rte. 82 South, Coatesville, PA 19320) on August 5, 2011, for a non-Title V, State Only, Synthetic Minor Operating Permit in East Fallowfield, Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 6-30-2006. The permit is for the operation of their 4-ton batch asphalt consisting of a hot oil heater, cyclone, baghouse, and stack. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00122: Kennett Square Specialties, LLC, (556 E. South Street, P. O. Box 652, Kennett Square, PA 19348) On August 8, 2011, for issuance of an initial State Only Synthetic Minor Operating Permit to operate a spent shiitake mushroom growth media fired boiler rated at 9.6 MM Btu/hr (boiler) at the Kennett Square Specialties mushroom substrate and spawn production facility located at 556 E. South Street, Kennett Township, **Chester County**. Plan Approval, 15-0122A is being incorporated into the facility's initial operating permit, 15-00122. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

09-00214: Haddon Window LLC. (1211 Ford Rd, Bensalem, PA 19020-4518) On August 8, 2011, for operation of a door painting facility in Bensalem Township, **Bucks County**. This action is to issue a new operating permit, number 09-00214, based on plan approval 09-0214. There are operational limitations (operation hours,

as well as throughput) in place to ensure compliance with the applicable regulations. Particulate matter emissions will be controlled by a single bank of panel filters that are designed to capture 90% of the overspray. State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.431.

23-00048: Rock Tenn CP, LLC,—Smurfit-Stone Container Corp. (100 McDonald Boulevard, Aston, PA 19014) On August 9, 2011, for the renewal of a non-Title V, State Only, Synthetic Minor facility in Chester Township, **Delaware County**. The facility operates two 20.9 MMBTU/hr boilers; four flexo-folder gluers; three rotary die cutters with flexographic printing; a corrugator; a hogger; and a cyclone. This facility has the potential to emit 24 tons of nitrogen oxides per year; 10.5 tons of volatile organic compounds per year; 2.8 tons of hazardous air pollutants per year; 20 tons of sulfur dioxide per year; and 17 tons of particulate matter. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

35-00052: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) A renewal State Only (synthetic minor) operating permit was issued June 30, 2011, for a hot mix asphalt plant located in Dunmore Borough, **Lackawanna County**.

40-00103: Harman Funeral Homes and Crematory, Inc., (669 West Butler Drive, Sugarloaf, PA 18249-3000) A renewal State Only operating permit was issued on July 28, 2011, to operate a facility in Butler Township, **Luzerne County**.

45-00003: Genon Rema, LLC/Shawnee Facility (121 Champion Way, Suite 200, Canonsburg, PA 15317) A renewal State Only (Synthetic Minor) Operating Permit was issued June 30, 2011, for a combustion turbine located in Middle Smithfield Township, **Monroe County**.

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

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

06-03062: Theo C Auman, Inc. (247 Penn Street, Reading, PA 19601-4047) on August 11, 2011 for the human crematory located in Reading City, **Berks County**. The State-only permit was renewed.

28-03040: New Enterprise Stone & Lime Company, Inc. dba Valley Quarries, Inc. (3587 Stone Quarry Road, Chambersburg, PA 17201-7729) on August 9, 2011 for the Chambersburg Quarry located in Guilford Township, **Franklin County**. The State-only permit was renewed.

67-03115: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17402-8059) on August 4, 2011 for the chrome plating facility located in East Manchester Township, **York County**. The State-only permit was renewed.

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

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

49-00057: Pet Rest Memorial Park (2410 8th Street Drive, Watsontown, PA 17777-8002) on July 27, 2011, for their facility located in Delaware Township, **Northumberland County**. The state only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements. 19-00021: UAE Coal Corp (P. O. Box 306, Mount Carmel, PA 17851) on August 4, 2011, for operation of their Harmony Mine facility located in Conyngham Township, **Columbia County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

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

03-00194: Glacial Sand and Gravel Company—Tarrtown Barge Unloading Facility (133 Camp Ground Road, Harrisville, PA 16038) on August 4, 2011 the Department issued a State Only Operating Permit for the operation of a barge unloading and bulk commodity storage located in East Franklin Township, **Armstrong County**. The subject facility consists of unloading barges with a clam shell, 2 diesel engines, hopper and stockpiling. The diesel engines are used to provide power the clam shell and are rated at 525 bhp and 250 bhp. The facility has the potential to emit: 1.39 tpy CO; 6.44 tpy NO_x; 0.43 tpy SO_x; 0.52 tpy VOC; 1.73 tpy PM; and 1.01 tpy PM₁₀. The facility is required to conduct weekly surveys of the site for fugitive emissions and malodors, minimize drop height of clam shell, and must take all actions to prevent particulate matter from becoming airborne. The proposed authorization is subject to State and Federal Regulations (ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements. This is a State Only Permit Renewal.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00288: Bear Metallurgical Manufacturing (679 East Butler Road, Butler, PA 16002-9127), on August 8, 2011, issued for renewal of the State Only Operating Permit for the ferroalloy production facility located in Summit Township, **Butler County**. The sources at the facility include the ferroalloy product line controlled by a baghouse, the ferroalloy co-product line controlled by a baghouse, a remote reservoir parts cleaner, and additional trivial sources. The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

33-00107: Beverage Air Corporation (119 Progress Street, Brookville, PA 15825), on August 8, 2011, issued for renewal of the State Only Operating Permit for the commercial refrigeration equipment manufacturing facility located in Brookville Boro, **Jefferson County**. The sources at the facility include dip coating metallic parts

(Source 107), wipe down of sheet metal and metal parts with solvent (Source 101), powder coatings which are baked onto the part in a natural gas -fired curing oven (Source 102), miscellaneous gas usage (Source 031) an emergency generator (Source 103), and two air make up units (Source 105). The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00280: Chevron, Inc./Miller Industries (2755 Kirila Blvd, Hermitage, PA 16148-9019), on July 26, 2011, issued a State Only Operating Permit renewal for the facility located in Lackawannock Township, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility are 3 spray paint booths. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) On August 5, 2011, for a minor modification of TVOP No. 15-00027 for its facility located in Tredyffrin Twp., **Chester County**. The minor modification will allow emissions from the Line 11 Coating Process (Devon III) (Source 130) dosing stations to be vented to the atmosphere with the remainder of the process vented to the pollution control system. The minor modification will result in a de minimis increase of particulate matter emissions (0.1 ton per year). The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 15-00027 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

46-00161: Reading Materials, Inc. (394 South Sanatoga Road, Pottstown, PA 19464) On August 12, 2011, located in Lower Pottsgrove Township, **Montgomery County**. This State-only operating permit was amended for the incorporation of Plan Approval 46-0161D. The Operating Permit will contain record keeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

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

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

06-05024: GenOn REMA, LLC (121 Champion Way, Canonsburg, PA 15317) on August 5, 2011, for the operation of the Titus electric power plant in Cumru Township, **Berks County**. This action is an administrative amendment of the Title V permit to reflect changes in company contact information.

44-05014: Glenn O Hawbaker, Inc. (711 E. College Avenue, Pleasant Gap, PA 16823-6854) on July 7, 2011 for the Hostetler Quarry located in Armagh Township, **Mifflin County**. The State-only permit was administratively amended to incorporate the requirements of plan approval number 44-05014D and general permit GP3/11-44-03018, GP3/11-44-03019 and GP3/11-44-03020.

28-05037: JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233-9533) on July 29, 2011 for the rollback automotive recovery truck body manufacturing facility located in Antrim Township, **Franklin County**. The State-only permit was administratively amended due to a change of ownership.

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

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

59-00017: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946), issued an

amendment of state only (synthetic minor) operating permit on August 10, 2011 for their facility located in Lawrence Township, **Tioga County**. This operating permit amendment incorporates all terms and conditions specified in Plan Approval 59-00017A and Plan Approval 59-00017B.

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

42-00174: Casella Waste Management of PA Inc./McKean County Landfill (P. O. Box 448, Mt. Jewett, PA 16740) for its facility located in Sergeant Township, **McKean County**. The de minimis increases are a result of the temporary operation of a soil screening unit. The Department has started a list of de minimis increases as prescribed in 25 PA Code 127.449(i).

Since the October 10, 2007 Title V Operating Permit issuance date, Casella Waste Management of PA Inc/McKean County Landfill has notified the Department of the following de minimis emission increases:

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
6/21/2008	Temporary Soil Screening	0.06	0.00	0.04	0.00	0.01
8/13/2010	Temporary Soil Screening	0.08	0.01	0.22	0.02	0.05
7/11/11	Temporary Soil Screening	0.22	0.01	0.22	0.02	0.05
Total Reported Increases		0.36	0.02	0.48	0.04	0.11

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

42-00211: M&M Royalty LTD Bloomster Hollow Tennessee Tap Processing Plant (537 Lauby Road Suite 202, Canton, OH 44720-1529), on August 10, 2011, for revocation of their State Operating Permit for the gas stripping plant in Sergeant Township, **McKean County**. The plant was shut down on February 1, 2011 with no plans to restart the units and is being dismantled; the operating permit was therefore revoked.

42-00213: M&M Royalty LTD SR 155 Station (537 Lauby Road Suite 202, Canton, OH 44720-1529), on August 10, 2011, for revocation of their State Operating Permit for the gas stripping plant in Liberty Township, **McKean County**. The plant was shut down on November 10, 2010 with no plans to restart the units and is being dismantled; the operating permit was therefore revoked.

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

56841328 and NPDES No. PA 0033677, Rosebud Mining Company, (301 Market Street, Kittanning, PA

16201), to revise the permit and related NPDES permit for the Mine 78 in Paint Township, **Somerset County** to add a sedimentation pond. Receiving stream: Paint Creek, classified for the following use: CWF. The application was considered administratively complete on June 21, 2010. Application received May 21, 2010. Permit issued August 9, 2011.

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

32020105. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, transfer of an existing bituminous surface and auger mine from T & D Kraynak Mining Corporation, 3266 Firetower Road, Mahaffey, PA 15757, located in Grant and Green Townships, **Indiana County**, affecting 126.0 acres. Receiving stream(s): tributaries to/and Little Mahoning Creek classified for the following use(s): high quality - cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 7, 2011. Permit issued: August 3, 2011.

56060105 and NPDES No. PA0249971. AMFIRE Mining Company, LLC, One Energy Place, Suite 2800, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving stream(s): UTS to Quemahoning Reservoir to Quemahoning Creek to the Stony Creek River to the Conemaugh River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received March 8, 2011. Permit issued August 3, 2011.

32050101. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 95.9 acres. Receiving stream(s): unnamed tributaries to/and Pickering Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 19, 2011. Permit issued August 3, 2011.

32050107 and NPDES No. PA0249858. Amerikohl Mining, Inc., P. O. Box 260, Stahlstown, PA 15687, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 128.3 acres. Receiving stream(s): UTS to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 1, 2011. Permit issued August 9, 2011.

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

03080104 and NPDES Permit No. PA0251496. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Name change transfer of permit formerly issued to Thomas J. Smith, Inc., for continued operation and reclamation of a bituminous surface/auger mine located in E. Franklin and N. Buffalo Townships, **Armstrong County**, affecting 114.8 acres. Receiving streams: unnamed tributaries to Glade Run. Name change application received: April 28, 2011. Name change transfer issued: August 9, 2011.

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

14050101 and NPDES No. PA0256242. C.M.T. Energy, Inc. (108 South Twig St., Box 23, Smoke Run, PA

16681). Transfer of an existing bituminous surface mine with revisions from R.H. Cartmen, LLC located in Rush Township, **Clearfield County** affecting 34.0 acres. The revisions include addition of a new haul road accessing the site from Birch Street (T-960) and a request for stream encroachment and stream crossing relative to an unnamed tributary to Moshannon Creek. Receiving streams: Wolf Run, unnamed tributary to Moshannon Creek and Moshannon Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 18, 2011. Permit issued: August 3, 2011.

17950116 and NPDES No. PA0220183. Hilltop Coal Co., (12 Dutchtown Road, Houtzdale, PA 16651). Renewal of an existing bituminous surface mine for reclamation activities only located in Bigler Township, **Clearfield County** affecting 14.0 acres. Receiving streams: Upper Morgan Run and Alexander Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: July 21, 2011. Permit issued: August 10, 2011.

17960101 and NPDES No. PA0220256. RES Coal LLC (P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface/auger mine located in Morris Township, **Clearfield County** affecting 189.8 acres. Receiving streams: Hawk Run and two unnamed tributaries classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: May 31, 2011. Permit issued: August 3, 2011.

17000107 and NPDES No. PA0242951. Shud's Coal Hounds, Inc. (5757 Green Acre Road, Houtzdale, PA 16651). Renewal of an existing bituminous surface and auger mine located in Woodward and Bigler Townships, **Clearfield County** affecting 167.8 acres. Receiving streams: unnamed tributaries to Upper Morgan Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2011. Permit issued: July 27, 2011.

59060101 and NPDES No. PA0256315. Phoenix Resources, Inc. (782 Antrim Road, Wellsboro, PA 16901). Permit renewal for the continued operation and restoration of a bituminous surface mine located in Duncan Township, **Bradford County** affecting 80.9 acres. Receiving streams: unnamed tributaries to Rock Run to Babb Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received March 28, 2011. Permit issued: August 3, 2011.

17090102 and NPDES No. PA0257052. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface and auger mine located in Decatur Township, **Clearfield County** affecting 259.4 acres. Receiving streams: Little Laurel Run, unnamed tributaries to Little Laurel Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 23, 2009. Permit issued: August 10, 2011.

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

54890105R4 and NPDES Permit No. PA0595314. Porter Associates, Inc., (P. O. Box 248, Wilkes-Barre, PA 18703), renewal of an existing anthracite surface mine and coal refuse disposal operation in Porter Township, **Schuylkill County** affecting 120.0 acres, receiving

stream: East Branch Rausch Creek. Application received: January 15, 2010. Renewal issued: August 12, 2011.

Noncoal Permits Actions

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

SMP No. 11060301-GP104. Jigging Technologies, LLC, dba Atoll, 950 Riders Road, Johnstown, PA 15906. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. SMP 11060301 in East Taylor Township and City of Johnstown, **Cambria County**. Receiving streams: Hinckston Run classified for the following uses: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: May 23, 2011. Coverage Approved: August 1, 2011.

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

24070301. Marquise Mining Company (P. O. Box 338, Blairsville, PA 15717) Renewal of an existing large industrial minerals mine in Fox Township, **Elk County** affecting 227.0 acres. Receiving streams: Unnamed tributary to Bear Run. Application received: June 6, 2011. Permit Issued: August 8, 2011.

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

59880301 and NPDES No. PA0116327. Michael R. Ackley (323 Beechwood Lake Road, Westfield, PA 16950). Transfer of an existing permit from Jill D. Cross for the continued operation and reclamation of an industrial mineral mine located in Clymer Township, **Tioga County** affecting 4.4 acres. Receiving streams: Mill Creek to Cowanesque River classified for trout stocked fisheries. Application received: June 25, 2010. Permit issued: August 2, 2011.

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

5276SM5C8 and NPDES Permit No. PA0595217. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dingman Township, **Pike County**, receiving stream: tributary of Sawkill Creek. Application received: August 18, 2006. Renewal issued: August 8, 2011.

5276SM6C9 and NPDES Permit No. PA0595217. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), boundary correction to an existing quarry operation in Dingman Township, **Pike County** affecting 202.3 acres, receiving stream: tributary of Sawkill Creek. Application received: October 22, 2009. Correction issued: August 8, 2011.

7976SM2C9 and NPDES Permit No. PA0122351. Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), correction to an existing quarry to update the permit boundary in Warrington Township, **Bucks County** affecting 134.9 acres, receiving stream: unnamed tributary to Neshaminy Creek. Application received: December 8, 2008. Correction issued: August 8, 2011.

38870301C10 and PA0595543. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to revise permit acreage, crossing of the Quittapahilla Creek and wetland mitigation in Annville Borough, North Annville, South Annville & North Londonderry Townships, **Lebanon County** affecting 1039.9 acres, receiving stream: Killinger and Quit-

tapahilla Creeks. Application received: August 17, 2010. Correction issued: August 8, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

08114016. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649). Blasting at Canton GP-103 located in Canton Township, **Bradford County**. Permit issued: August 4, 2011. Permit expires: August 2, 2012.

17114003. EOG Resources, Inc. (2039 South Sixth St., Indiana, PA 15701). Blasting for a well pad located in Lawrence Township, **Clearfield County**. Permit issued: August 9, 2011. Permit expires: July 1, 2012.

41114017. Pennsylvania General Energy Co., LLC (120 Market St, Warren, PA 16365). Blasting at COP Tract 293 FWI Pit & Pad H located in Cummings Township, **Lycoming County**. Permit issued: August 4, 2011. Permit expires: July 1, 2012.

41114018. Pennsylvania General Energy Co., LLC (120 Market St, Warren, PA 16365). Blasting at COP Tract 293 FWI Pit located in McHenry Township, **Lycoming County**. Permit issued: August 4, 2011. Permit expires: July 1, 2012.

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

45114121. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wisniewski Garage in Jackson Township, **Monroe County** with an expiration date of August 1, 2012. Permit issued: August 4, 2011.

45114122. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for utilities off Buttermilk Falls Road in Smithfield Township, **Monroe County** with an expiration date of August 1, 2012. Permit issued: August 4, 2011.

64114109. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling at 351 Shish Road in Berlin Township, **Wayne County** with an expiration date of July 26, 2012. Permit issued: August 4, 2011.

45114123. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Pocono Ambulatory Center in Stroudsburg Borough, **Monroe County** with an expiration date of December 31, 2011. Permit issued: August 5, 2011.

38114114. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Nelson Sensening chicken house in Heidelberg Township, **Lebanon County** with an expiration date of September 30, 2011. Permit issued: August 9, 2011.

38114115. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Andrew Martin manure pit in North Cornwall Township, **Leba-**

non County with an expiration date of November 30, 2011. Permit issued: August 9, 2011.

38114116. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Leonard Martin barn in Heidelberg Township, **Lebanon County** with an expiration date of September 30, 2011. Permit issued: August 9, 2011.

40114110. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for G. Albert Associates extension of a sewer line in Jenkins Township, **Luzerne County** with an expiration date of August 8, 2012. Permit issued: August 9, 2011.

58114024. Doug Wathen LLC, (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913), construction blasting for Debrosielski Gas Pad in Auburn Township, **Susquehanna County** with an expiration date of July 18, 2011. Permit issued: August 9, 2011.

58114025. Doug Wathen LLC, (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913), construction blasting for Corbin Gas Pad in Brooklyn Township, **Susquehanna County** with an expiration date of July 18, 2011. Permit issued: August 9, 2011.

35114102. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), construction blasting for Valley View Industrial Park in Jessup Borough, **Lackawanna County** with an expiration date of August 1, 2012. Permit issued: August 10, 2011.

36114148. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lefever House in Clay Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: August 10, 2011.

36114149. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Willow Street Pike Pump Station in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: August 10, 2011.

58114122. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Williams Gas Carrar Interconnect in Franklin Township, **Susquehanna County** with an expiration date of December 31, 2011. Permit issued: August 10, 2011.

58114123. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Williams Gas Micks Interconnector in Forest Lake Township, **Susquehanna County** with an expiration date of October 31, 2011. Permit issued: August 10, 2011.

58114124. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Williams Gas Cobb Hill Interconnector in Forest Lake Township, **Susquehanna County** with an expiration date of October 31, 2011. Permit issued: August 10, 2011.

58114125. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Williams Gas Fiondi Interconnect in Middletown Township, **Susquehanna County** with an expiration date of October 31, 2011. Permit issued: August 10, 2011.

58114126. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Williams Midstream Pipeline in Springville, Dallas and Lemon Townships, **Susquehanna, Luzerne and Wyoming Counties** with an expiration date of August 30, 2012. Permit issued: August 10, 2011.

58114128. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Williams Gas

Depue Interconnect in Franklin Township, **Susquehanna County** with an expiration date of October 31, 2011. Permit issued: August 10, 2011.

36114150. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for Summerfield in Pequea Township, **Lancaster County** with an expiration date of August 9, 2012. Permit issued: August 11, 2011.

58114026. John Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Baker Pond in Forest Lake Township, **Susquehanna County** with an expiration date of December 30, 2011. Permit issued: August 15, 2011.

39114103. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Firestone Tire Center in Upper Macungie Township, **Lehigh County** with an expiration date of August 8, 2012. Permit issued: August 15, 2011.

48114112. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Hanover Township Retirement Home in Hanover Township, **Northampton County** with an expiration date of July 29, 2012. Permit issued: August 15, 2011.

48114113. Brubacher Excavating, Inc., (PO Box 528, Bowmansville, PA 17507), construction blasting at the Lehigh Valley Industrial Park in the City of Bethlehem, **Northampton County** with an expiration date of August 12, 2012. Permit issued: August 15, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E4129-006 Anadarko E&P Company, LP, P. O. Box 1330, Houston, Texas 77251-1330, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a two-lane, single-span, pre-stressed concrete spread box beam bridge having a span of 50 feet, a width of 28 feet, and an underclearance of approximately 3.5 feet over the Second Fork Larrys Creek (EV) adjacent to Route 287 north of Salladasburg (Salladasburg, PA Quadrangle 41°21'15"N 77°15'3"W). The project will also include the construction of a 12 foot wide temporary causeway, consisting of 7 24-inch culverts, downstream of the proposed bridge all for the purpose of providing access to Marcellus Shale well pads.

E1929-001: Mountain Gathering, LLC, 810 Huston Street, Forth Worth, TX 76102-6298, Pine & Jackson Townships, **Columbia County**, ACOE Baltimore District. To construct, operate, and maintain:

(1) one 24 inch gas pipeline impacting 18 linear feet an unnamed tributary to Little Brier Run (EV) and 22 square feet of adjacent palustrine emergent (PEM) wetland next to Kessler Hollow Road; (Benton Quadrangle 41°14'38" N 76°28'3"W).

(2) one 12 inch and one 24 inch gas pipeline impacting 16 linear feet of Little Brier Run (EV) and 762 square feet of adjacent palustrine forested (PFO) wetland; (Elk Grove Quadrangle 41°15'11" N 76°27'52"W).

(3) one 24 inch gas pipeline impacting 54 linear feet of Little Fishing Creek (EV) and 577 square feet of adjacent palustrine forested (PFO) wetland; (Elk Grove Quadrangle 41°15'6" N 76°27'6"W).

The project will result in 88 linear feet of stream impacts and 1361 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.01 acres of watercourse impacts and 0.03 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E4129-014 Anadarko E&P Company, LP, P. O. Box 1330, Houston, Texas 77251-1330, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain 3600 cubic yards of gravel within the floodway of an unnamed tributary to Second Fork Larrys Creek (EV) (Salladasburg Quadrangle 41°21'15"N 77°15'3"W). The project proposes to place approximately 16 inches of gravel over an existing

roadway and to widen the roadway all for the purpose of providing access to Marcellus Shale well pads. DEP permit number E4129-006 is also associated with this project.

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-251.

E54-346. Schuylkill Conservation District, 1201 AG Center Drive, Pottsville, PA 17901, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project along 555 feet of Dyer Run (CWF, MF) and 1,600 feet of West Branch Schuylkill River (CWF, MF) for the purpose of eliminating the loss of base flow into the mine pool, removing obstructions from the watershed and installing structures to improve in stream habitat and stream dynamic. The proposed cross section consists of 6-inches of sand, a PVC impervious liner, 6-inches of additional sand, geotextile, and R-7 rock placed at a depth of 3-foot choked with R-4 rock and existing streambed material. The project also includes concrete cut-off walls, cross veins, root wad structures, boulder placement, 120' of rock bank protection, and the removal of an existing bridge structure. The Dyer Run portion of the project and the first section of West Branch Schuylkill River portion of the project are located near the confluence of the two streams (Minersville, PA Quadrangle Latitude: 40°43'10"; Longitude: -76°15'58") in Cass Township, Schuylkill County. The second section of the West Branch Schuylkill River portion of the project is located near the intersection of SR 4002 (Valley Road) and Greenbury Road (Pottsville, PA Quadrangle Latitude: 40°43'18"; Longitude: -76°14'51") in Cass Township, Schuylkill County. Subbasin: 3A

E58-292. Buck Ridge Stone, LLC, P. O. Box 114, Montrose, PA 18801. New Milford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain an intake pump in Salt Lick Creek (HQ-CWF, MF) for the purpose of water withdrawal for Marcellus Shale Gas Production. The project is located on the east side of SR 0011 approximately 0.2 mile north of T698 (Quadrangle Latitude: 41°54'25"; Longitude: -75°43'59"). Subbasin: 4E

E35-434. Linde Corporation, Cross Creek Pointe, 1065 Highway 315, Suite 407, Wilkes-Barre, PA 18702-6941. Fell Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a water intake structure in the Lackawanna River (HQ-CWF, MF) consisting of a concrete inlet box with the grate flush with streambed elevation, a 6-inch diameter ductile iron intake pipe, a 1.5-inch diameter air line and a vault housing a pump and check valve. The disturbed banks will be stabilized with R-5 riprap. The project is located along Enterprise Drive approximately 0.2 mile from its intersection with SR 0106 in Fell Township, Lackawanna County. (Waymart Quadrangle Latitude: 41°35'15"; Longitude: -75°29'22"). Subbasin: 5A

E54-338. Mr. & Mrs. Joseph M. Evans, 16 Hemlock Drive, Pottsville, PA 17901, North Manheim Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain a driveway crossing of Long Run (CWF, MF) and a de minimus area of adjacent wetlands equal to 0.01 acre, consisting of a steel I-beam

bridge with a wood deck and concrete abutments and wing walls, having a 22-foot span and a 2-foot minimum underclearance for the purpose of accessing a single family dwelling. The wetland crossing includes three 12-inch diameter cross pipes. The project is located approximately 0.60 miles southwest of the intersection of Guldin Street and State Route 0443 in North Manheim Township, Schuylkill County. (Friedensburg PA Quadrangle Lat.: 40° 37' 07"; Long.: -76° 11' 35"). Subbasin: 3A

E52-219. Thomas and Jennifer Charette, P. O. Box 346 Matamoras, PA 18336. Westfall Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To maintain a driveway crossing through 0.07 acre of PFO wetlands for the purpose of providing access to a single residential home. The permittee is required to provide for 0.07 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located 0.60 mile east of Delaware Drive approximately 1.30 miles from its intersection with U.S. Route 0006 (Port Jervis North, NY-PA Quadrangle Latitude: 41°23'03"; Longitude: -74°43'19"). Subbasin: 1D

E45-562. Jan Makarewicz, 430 St. Anns Avenue, Copiague, NY 11726. Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain approximately 210 feet of 6-foot high fence in Rainbow Lake. The project is located approximately 0.25 mile west of the intersection of Crescent Lake Road and Rainbow Lake Drive (Pocono Pines, PA Quadrangle Latitude 41° 04' 39.9"; Longitude: -75° 23' 13.8"). Subbasin: 2A

E45-559. Smithfield Township, 1155 Red Fox Road, East Stroudsburg, PA 18301. Smithfield Township & Delaware Water Gap Borough, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Inter-Municipal River Trails Project:

1. A 6-foot wide cast-in-place concrete ford crossing of Cherry Creek (HQ-CWF, MF) with integral concrete stepping stones protruding approximately 4-inches above the normal water surface elevation (40° 59' 11.6", -75° 8' 9.5").

2. Concrete stepping stones in Cherry Creek along the right abutment of an existing railroad bridge (40° 59' 12.80", -75° 8' 13.05")

3. Approximately 500 linear feet of 6-foot wide at-grade gravel walking trail in the floodway of Cherry Creek and 750 linear feet of 6-foot wide at-grade gravel walking trail in the floodway of Brodhead Creek.

The encroachments are located along Cherry Creek on the east side of Interstate 80 (Stroudsburg, PA Quadrangle Latitude: 40° 59' 12.80"; Longitude: -75° 8' 13.05") in Smithfield Township and Delaware Water Gap Borough, Monroe County). Subbasin: 1E

E13-166. Jason R. & Judith A. Bretz, 306 Lauchnor Road, Lehighon, PA 18235. East Penn Township, **Carbon County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 12-foot wide steel I-beam bridge having an 18-foot span and an underclearance of approximately 5 feet across a tributary to Lizard Creek (TSF) for the purpose of accessing a single family home. The project is located on the west side of Lauchnor Road near the intersection of Shelby Drive (Nesquehoning, PA

Quadrangle Latitude: 40° 45' 31.0"; Longitude: -75° 45' 35.4") in East Penn Township, Carbon County. Subbasin: 2C

E39-509. Verizon, 20 South 7th Street, Stroudsburg, PA 18360. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an underground fiber optic communications utility line crossing of a tributary to Swabia Creek (HQ-CWF, MF) and a de minimus area of adjacent EV wetlands equal to 0.01 acre. The communications line is enclosed in two 4-inch diameter PVC conduits. The project is located within the Lower Macungie Municipal Park on the east side of Brookside Road approximately 0.5 mile north of its intersection with Indian Creek Road (Allentown West Quadrangle Latitude: 40° 31' 29.74"; Longitude: -75° 32' 49.74"). Subbasin: 2C

E48-405. Silver Creek Country Club, P. O. Box J, 700 Linden Avenue, Hellertown, PA 18055. Lower Saucon and Hellertown Townships, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project along a 4,500-foot reach of Silver Creek (CWF) with work consisting of laying back the streambanks and excavation within the overbank areas along approximately 3,000 feet of the channel. The project is within the Silver Creek Country Club located approximately 2.6 miles from the intersection of SR 0412 and SR 0212 (Hellertown, PA Quadrangle Latitude: 40°34'43"; Longitude: 75°19'22"). Subbasin: 2C

E39-504A. Lehigh County, 17 South Seventh Street, Allentown, PA 18101. Salisbury Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E39-504 to authorize the construction and maintenance of a 15,500 square foot building and associated parking, stormwater management facilities and other site amenities within the 100-year floodplain of the Lehigh River (WWF, MF) for the purpose of expanding the Lehigh County Treatment Facility with the construction of a Detoxification Facility. E39-504 authorized the removal of several temporary housing units and the construction and maintenance of building additions and expansions to the Lehigh County Treatment Center Facility. The project is located at 1600 Riverside Drive in Salisbury Township, Lehigh County (Allentown East Quadrangle Latitude: 40°36'43.4"; Longitude: -75°24'43.4"). Subbasin: 2C

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

E60-210. Scott J. Lindsey, 173 Southcreek Road, Allenwood, PA 17810-9123. Primary Home, in Gregg Township, **Union County**, ACOE Baltimore District (Allenwood, PA Quadrangle N: 41° 6' 47.5"; W: -76° 55' 43.2").

To replace an old home with a new 60-foot long by 27-foot 2-inch wide home elevated on vented concrete walls to a point 18 inches above the 100-year flood elevation of 480.0 feet located 900 feet west on South Creek Road from its intersection with Devitts Camp Road. This permit was issued under Section 105.13(e) "Small Projects."

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

E10-468, PA DOT, District 10-0, 2550 Oakland Ave, PO Box 429, Indiana, PA 15701. S.R. 0308, Section 253

Boyers Bridge #1 Across Slippery Rock Creek, in Marion Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 41°, 06', 41"; W: 79°, 53', 52")

To remove the existing four span concrete T-beam bridge and to construct and maintain a 40.4-foot out to out steel I-beam bridge having three clear, normal spans totaling 146 feet and an underclearance of 4.9 feet across Slippery Rock Creek and impacting a total of 0.132 acre of EV wetlands within the flood plain associated with roadway approach on S.R. 0308 north of the village of Boyers. Project includes the installation of temporary causeways and cofferdams for removal of the existing bridge and construction of the new bridge. PA DOT District 10-0 will debit from the Butler County Advanced Wetland Mitigation Bank for compensation for the 0.132 acre of permanent wetland impact at a 2:1 ratio, project located on S.R. 0308, Segment 0310, Offset 1480 Across Slippery Rock Creek

E10-469, PA DOT District 10-0, 2550 Oakland Ave, PO Box 429, Indiana, PA 15701. S.R. 4006, Section 250 Keister Road Bridge Across Slippery Rock Creek, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 41°, 02', 51"; W: 79°, 59', 51").

To remove the existing two span steel I-beam bridge and to construct and maintain a 31.4-foot out to out steel plate girder bridge having a single normal clear span of 114.2 feet and an underclearance of 15.4 feet across Slippery Rock Creek within the flood plain and re-aligned upstream of existing structure. The roadway will also be re-aligned on both approaches of the new structure located at S.R. 4006, Segment 0010, Offset 3038 approximately 2 miles southwest of the village of Branchton.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D52-204EA. John Dzedzina, 223 Chamonix Drive, St. Davids, PA 19087, Lackawaxen Township **Pike County**, ACOE Philadelphia District.

To rehabilitate and maintain Lord's Creek Dam across Lord's Creek (HQ-CWF) for recreational use. Modifications include embankment reconstruction, overtopping protection and outlet structure replacement. The dam is located approximately 1850-feet northwest of the intersection of Campen Road and SR 590 (Rowland, PA Quadrangle, Latitude: 41°27'48"; Longitude: -75°00'16"). The project proposes temporary impacts to 0.23-acre of PEM wetland and permanent impacts to 45 lineal feet of Lord's Creek and 0.02-acre of associated PEM wetland. The permanent wetland impact is considered de minimus and replacement is not required.

DAM SAFETY

Actions on applications filed 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 of the Federal Water Pollution Control Act. (33 U.S.C.A. § 1341(a)).

Joint Permit

Oil & Gas Management—SWRO—400 Waterfront Drive, Pittsburgh, PA 15222

[Permit # 95-7-37312-14]. CNX Gas Company LLC, 200 Evergreene Dr., Waynesburg, PA 15370. Project proposes to operate and maintain the Mor9SH Centralized Pit as a centralized impoundment to collect and store 4.33 MG fracturing fluids from the Hyde Mor9ash; Permit No. 37-059-25474-00 and future wells in the area (PA Quadrangle; Rogersville, Latitude: N 39° 58' 50.15", Longitude: W 80° 21' 37.83"), Morris Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Basin 20-E, Wheeling—Buffalo Creeks Watershed.

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.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA

7/11/2011

ESCGP-1 No.: ESX11-063-0008

Applicant Name: Chevron Appalachia LLC

CONTACT: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15748

County: Indiana/Cambria

Township(s): Pine/Barr

Receiving Stream(s) And Classifications: Dutch Run CWF, Teakettle Run CWF, Conemaugh River, Blacklick Creek Watershed, Other

07/15/2011

ESCGP-1 No.: ESX11-129-0023

Applicant Name: Chevron Appalachia LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15748

County: Westmoreland Township(s): South Huntingdon

Receiving Stream(s) and Classifications: UNT's to Youghiogheny River, Lower River Watershed, Other

July 19, 2011

ESCGP-1 No.: ESX11-125-0064

Applicant Name: Range Resources—Appalachia LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): West Finley
 Receiving Stream(s) and Classifications: UNT to Robinson
 Fork and Bonar Creek, Wheeling, Buffalo Creeks Wa-
 tershed, HQ, Other

7/19/2011
 ESCGP-1 No.: ESX11-125-0039 Major Revision
 Applicant Name: MarkWest Liberty Midstream & Re-
 sources, LLC
 Contact Person: Robert McHale
 Address: 601 Technology Drive Suite 130
 City: Canonsburg State: PA Zip Code: 15137
 County: Washington Township(s): Amwell & South Franklin
 Receiving Stream(s) and Classifications: Bane Creek TSF,
 UNT to Bane Creek TSF, Tenmile Creek TSF Water-
 shed, Other

7/21/2011
 ESCGP-1 No.: ESX11-125-0027 Minor Revision
 Applicant Name: CNX Gas Company LLC
 Contact Person: Daniel Bitz
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 COUNTY Greene/Washington
 Township(s): Morris and Morris
 Receiving Stream(s) and Classifications: UNT to Tenmile
 Creek to Monongahela River UNT to Bates Fork to
 Browns Creek, Monogahela River HQ, Other

7/13/2011
 ESCGP-1 No.: ESX11-125-0060
 Applicant Name: Rice Drilling B LLC
 Contact Person: Toby Rice
 Address: 171 Hillpointe Drive Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): West Pike Run
 Receiving Stream(s) and Classifications: UNT's to Pike
 Run and Pike Run, Pike Run TSF, Other

5/24/2011
 ESCGP-1 No.: ESX11-051-0013
 Applicant Name: Atlas America LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code 15478
 County: Fayette Township(s): Springhill
 Receiving Stream(s) and Classifications: UNT to Cheat
 River, Cheat River WWF, Other

5/17/11
 ESCGP-1 No.: ESX11-059-0032
 Applicant Name: EQT Production Co

Contact Person: Todd Klaner
 Address: 455 Racetrack Road
 City: Washington State: PA Zip Code: 15301
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: UNT to Castile
 Run WWF, Bacon Run WWF

5/24/11
 ESCGP-1 No.: ESX11-007-0005
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Beaver Township(s): Hanover
 Receiving Stream(s) and Classifications: UNT of Little
 Traverse Creek and UNT to Raccoon Creek, Raccoon
 Creek Watershed

5/2/2011
 ESCGP-1 NO.: ESX11-125-0037
 Applicant Name: Range Resources—Appalachia LLC
 CONTACT PERSON: Carla Suszkowski
 ADDRESS: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: UNT to Hanen
 Run and Hanen Run, Wheeling & Buffalo Creeks
 Watershed

6/24/2011
 ESCGP-1 NO.: ESX11-125-0056
 Applicant Name: CNX Gas Company LLC
 CONTACT: Daniel Bitz
 ADDRESS: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Washington Township(s): Morris
 Receiving Stream(s) and Classifications: UNT to Tenmile
 Creek, Other

6/20/2011
 ESCGP-1 NO.: ESX10-007-0001 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 CONTACT: Carla Suszkowski
 ADDRESS: 380 Southpointe Boulevard
 City: Canonsburg State: Pa Zip Code: 15317
 County: Beaver Township(s): Independence
 Receiving Stream(s) and Classifications: UNT to Raccoon
 Creek, Raccoon Watershed, Other

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

*Bradford County Conservation District: Stoll Natural
 Resource Center, 200 Lake Rd Ste E, Towanda PA 18848
 570- 265-5539 Ext. 120*

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0811803 Major Modification	Dave Smith Central New York Oil & Gas Co 800 Robinson Rd Owego, NY 13827	Bradford	Wyalusing Township	Wyalusing Creek WWF

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

Venango County Conservation District, 1793 Cherrytree Road, Franklin PA 16323

<i>ESCGP -1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
61 11 8 01	Columbia Gas of PA Inc 150 Hillside Drive Bethel Park PA 15102	Venango	Scrubgrass Township	UNT Allegheny River WWF

ESCGP-1 #ESX11-053-0018—Hartary Oil Lease
 Applicant Devonian Resources, Inc.
 Contact Stan R. Thompson
 Address P. O. Box 329
 City Pleasantville State PA Zip Code 16341
 County Forest Township(s) Harmony(s)
 Receiving Stream(s) and Classification(s) UNT to Pithole
 Creek, German Run, West Hickory Creek and Fleming
 Run—CWF, Allegheny River—WWF

ESCGP-1 #ESX11-047-0027—HM8 WT 3261 PAT
 Applicant Hunt Marcellus Operating Company, LLC
 Contact Mr. Mark Wagley
 Address 106 North Michael Street, Suite 3
 City St. Mary's State PA Zip Code 15857
 County Elk Township(s) Ridgway(s)
 Receiving Stream(s) and Classification(s) Silver Creek
 HQ-CWF, Little Mill Creek HQ-CWF

ESCGP-1 #ESX10-083-0019A—MROC Headwaters Fresh-
 water Impoundment—Major Modification Applicant
 Triana Energy, LLC
 Contact Rachelle A. King
 Address 900 Virginia Street East
 City Charleston State WV Zip Code 25301
 County McKean Township(s) Lafayette & Bradford(s)
 Receiving Stream(s) and Classification(s) UNT of Railroad
 Run (EV), Droney Run (EV), and Minard Run (EV)—
 Secondary Water Railroad Run (EV), East Branch
 Tunungwant Creek (HQ/CWF)

ESCGP-1 #ESX11-031-0019—Bradley George Pad A
 Applicant Northeast Natural Energy, LLC

Contact Mr. Brett Loflin
 Address 707 Virginia Street, Suite 1400
 City Charleston State WV Zip Code 25301
 County Clarion Township(s) Toby(s)
 Receiving Stream(s) and Classification(s) East Fork of
 Wildcat Run—(CWF)/Redbank Creek

ESCGP-1 #ESX11-019-0072—Ambrose Pipeline
 Applicant Phillips Exploration, Inc.
 Contact Gary A. Clark
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Summit, Jefferson, and
 Clearfield(s) Receiving Stream(s) and Classification(s)
 Thorn Creek—CWF, UNT of Thorn Creek—CWF, UNT
 of Coal Creek—WWF, UNT of Rough Run—HQ/TSF

ESCGP-1 #ESX11-065-0032—Monsees Pad
 Applicant EXCO Resources (PA), LLC
 Contact Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City Warrendale State PA Zip Code 15086
 County Jefferson Township(s) Oliver(s)
 Receiving Stream(s) and Classification(s) UNT Little
 Sandy Creek & Big Run—CWF, Red Bank Creek—TSF

ESCGP-1 #ESX11-065-0031—Eisenhart Pad
 Applicant EXCO Resources LLC
 Contact Eric Williams
 Address 3000 Ericsson Drive Suite 200
 City Warrendale State PA Zip Code 15086
 County Jefferson Township(s) Oliver(s) Receiving
 Stream(s) and Classification(s) UNT to Big Run (CWF)

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-40-010	UGI Development Company 1 Meridian Boulevard Wyomissing, PA 19610 Attn: Michael Mara	Luzerne	Hunlock Township	1 AST storing Diesel Fuel	500,000 gallons
11-08-002	Petroleum Products, Inc. 500 River East Drive Belle, WV 25015 Attn: D. Walter Hanson	Bradford	Leroy Township	6 ASTs storing diesel fuel	120,000 gallons total

[Pa.B. Doc. No. 11-1464. Filed for public inspection August 26, 2011, 9:00 a.m.]

Bid Opportunity

OSM 03(3902)102.1, Abandoned Mine Reclamation Project, Craigsville Southwest, West Franklin Township, Armstrong County. The principal items of work and approximate quantities include mobilization and demobilization; selective grading 11.7 acres; wetland restoration; tree planting 10,400 trees; and seeding 11.7 acres. This bid issues August 26, 2011, and bids will be opened on September 27, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A.

§§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1465. Filed for public inspection August 26, 2011, 9:00 a.m.]

Bid Opportunity

OSM 10(0759)102.1, Abandoned Mine Reclamation Project, East Bovard, Cherry Township, Butler

County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; grading 174,500 cubic yards; clearing and grubbing; channel excavation 630 cubic yards; erosion matting 830 square yards; r-3 rock lining 55 square yards; r-4 rock lining 435 square yards; subsurface drain 450 linear feet; surface conveyance pipe 220 linear feet; replacement wetland-seed mix 5 pounds; access road replacement material 164 tons; tree planting 500 trees; and seeding 17 acres. This bid issues August 26, 2011, and bids will be opened on September 22, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1466. Filed for public inspection August 26, 2011, 9:00 a.m.]

Bid Opportunity

OSM 17(1395)101.1, Abandoned Mine Land Reclamation Project, Grampian, Penn Township, Clearfield County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; grading 48,000 cubic yards; clearing and grubbing; and seeding 7 acres. This bid issues August 26, 2011, and bids will be opened on September 22, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1467. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Applications for Exception to 28 Pa. Code §§ 123.25 and 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

Schuylkill Medical Center East Norwegian Street
UPMC Hamot

The following facility has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

UPMC Hamot

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1468. Filed for public inspection August 26, 2011, 9:00 a.m.]

Application of New Britain Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that New Britain Surgery Center has requested an exception from the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.7-3.4.2.1, 5c (relating to sound attenuation).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1469. Filed for public inspection August 26, 2011, 9:00 a.m.]

Application of UPMC Hamot for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Hamot has requested an exception from the requirements of 28 Pa. Code §§ 107.2, 107.62(b), 107.64 and 117.30.

This facility is also requesting exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.4.1.5(1) (relating to staff changing rooms).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1470. Filed for public inspection August 26, 2011, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Canterbury Place
310 Fisk Street
Pittsburgh, PA 15201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.9(c) and 205.28(c)(3) (relating to corridors; and nurses' station).

Richfield Senior Living and Rehabilitation Center
631 Main Street
P. O. Box 248
Richfield, PA 17086

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(f) (relating to resident bedrooms).

Linwood Nursing and Rehabilitation Center
100 Linwood Avenue
Scranton, PA 18505
FAC ID 394502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1471. Filed for public inspection August 26, 2011, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, September 28, 2011, from 9 a.m. to 12 p.m. by means of webinar call. The meeting will be held at the Giant Super Food Store Community Center, 2nd Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-5251.

For persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so contact Kathleen A. Zitka at the address and telephone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1472. Filed for public inspection August 26, 2011, 9:00 a.m.]

Pennsylvania Colorectal Cancer Advisory Committee Meeting

The Pennsylvania Colorectal Cancer Advisory Committee, a subcommittee of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting (webinar) on Wednesday, September 14, 2011,

from 10 a.m. to 12 p.m. at the Department of Health, Bureau of Health Promotion and Risk Reduction, Conference Room 1000, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120.

For additional information, contact Jimithy Hawkins, Public Health Program Administrator, Department of Health, Division of Cancer Prevention and Control Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 787-5251.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other

accommodation to do so should contact Jimithy Hawkins at (717) 783-5251, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1473. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Hydrair Balance Co., Inc. and Sharon Lohr, Individually FEIN No. 25-1533980	107 West Venango Street Mercer, PA 16137	8/9/2011

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 11-1474. Filed for public inspection August 26, 2011, 9:00 a.m.]

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, September 15, 2011, from 10 a.m. to 5 p.m., in Hearing Room 1, Second Floor (North Street Elevator), Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

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 UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 11-1475. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF REVENUE

Method of Filing; Pennsylvania Corporate Tax Report, RCT-101

The Secretary of the Department of Revenue (Department) issues this notice under the provisions of section 10 of the Fiscal Code (72 P. S. § 10) (Act 2009-50). This notice is effective immediately and applies to reports filed for tax years beginning on or after January 1, 2011, during calendar years beginning on or after January 1, 2012.

Filing Mandate—Pennsylvania Corporate Tax Report, RCT-101

For all calendar years following a calendar year in which a third party preparer prepares 50 or more Pennsylvania Corporate Tax Reports, the third party preparer is required to electronically file (e-file) in the manner prescribed by Departmental instructions all such Pennsylvania Corporate Tax Reports. Once a third party preparer is subject to this filing mandate, the third party preparer shall continue to be subject to the mandate regardless of how many Pennsylvania Corporate Tax Reports he or she prepares during a calendar year.

A third party preparer who is subject to this filing mandate must have tax software that is compatible with Department e-filing requirements.

Rules Applicable to the Filing Mandate

(a) *Third Party Preparer*. For purposes of this notice, the phrase “third party preparer” means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit; (2) Persons who merely provide mechanical assistance such as typing; (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer’s officers and regular employees; or (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

(b) *50 Report Threshold*. A third party preparer must include all Pennsylvania Corporate Tax Reports that the third party preparer, or his or her members, or employees

prepare and submit to the Department. This amount includes all original and amended, resident or non-resident, full-year or part-year reports to the extent that such report can be e-filed with the Department. If a third party preparer has multiple business locations, the combined total of all the reports for all locations are included.

Penalty

A third party preparer who fails to file Pennsylvania Corporate Tax Reports by the method required under this notice shall be subject to a penalty of one percent of the tax due on the improperly filed report up to a maximum of five hundred dollars (\$500), but not less than ten dollars (\$10).

Penalty Waiver

(a) The Department will waive the penalty applicable to a report that is not filed pursuant to this filing mandate in the following situations:

(1) The taxpayer has specifically directed the third party preparer to file the report pursuant to a different filing method than mandated in this notice. This directive must be in a written form, signed by an officer of the corporation, and provided to the Department upon request.

(2) The preparer's tax software does not support e-filing of a required attachment to the report.

(b) The Department, at its discretion, may waive the penalties applicable to reports that are not filed as prescribed in this notice if the Department determines the filing mandate of this notice constitutes undue hardship on the third party preparer. The third party preparer must submit a written request for the waiver for every calendar year. The request must clearly explain why the filing method causes an undue hardship. A request for a waiver shall be mailed to the Department of Revenue, Bureau of Corporation Taxes Director's Office, P. O. Box 280700, Harrisburg, PA 17128-0700 by November 1, 2011.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1476. Filed for public inspection August 26, 2011, 9:00 a.m.]

Method of Filing; Pennsylvania Personal Income Tax Return, PA-40

The Secretary of the Department of Revenue (Department) issues this notice under the provisions of section 10 of the Fiscal Code (72 P.S. § 10) (Act 2009-50). This notice is effective immediately and applies to returns filed in calendar years beginning on or after January 1, 2012.

Filing Mandate—Pennsylvania Personal Income Tax Return, PA-40

For all calendar years following a calendar year in which a third party preparer prepares 50 or more Pennsylvania Personal Income Tax Returns, the third party preparer is required to electronically file (e-file) in the manner prescribed by Departmental instructions all such Pennsylvania Personal Income Tax Returns. Once a third party preparer is subject to this filing mandate, the third party preparer shall continue to be subject to the man-

date regardless of how many Pennsylvania Personal Income Tax Returns he or she prepares during a calendar year.

A third party preparer who is subject to this filing mandate must have tax software that is compatible with Department e-filing requirements.

Rules Applicable to the Filing Mandate

(a) *Third Party Preparer.* For purposes of this notice, the phrase "third party preparer" means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit; (2) Persons who merely provide mechanical assistance such as typing; (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer's officers and regular employees; or (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

(b) *50 Return Threshold.* A third party preparer must include all Pennsylvania Personal Income Tax Returns that the third party preparer or his or her members, or employees prepare and submit to the Department. This amount includes all original and amended, resident or non-resident, full-year or part-year returns to the extent that such return can be e-filed with the Department. If a third party preparer has multiple business locations, the combined total of all the returns for all locations are included.

Penalty

A third party preparer who fails to file a Pennsylvania Personal Income Tax Return by the method required under this notice shall be subject to a penalty of one percent of the tax due on the improperly filed return up to a maximum of five hundred dollars (\$500), but not less than ten dollars (\$10).

Penalty Waiver

(a) The Department will waive the penalty applicable to a return that is not filed pursuant to this filing mandate in the following situations:

(1) The taxpayer has specifically directed the third party preparer to file the return pursuant to a different filing method than mandated in this notice. The taxpayer's directive must be indicated on the return.

(2) The preparer's tax software does not support e-filing of a required attachment to the return.

(b) The Department, at its discretion, may waive the penalties applicable to returns that are not filed as prescribed in this notice, if the Department determines the filing mandate of this notice constitutes undue hardship on the third party preparer. The third party preparer must submit a written request for the waiver for every calendar year. The request must clearly explain why the filing method causes an undue hardship. A request for a waiver must be mailed to the Department of Revenue,

Bureau of Individual Taxes, Director's Office, DEPT 280605, Harrisburg, PA 17128-0605 by November 1, 2011.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1477. Filed for public inspection August 26, 2011, 9:00 a.m.]

Pennsylvania Scaredy Cash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Scaredy Cash.

2. *Price:* The price of a Pennsylvania Scaredy Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Scaredy Cash instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), a Spooky Eyes (SPKYEYES) symbol and a 5X (5TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$25 (TWY FIV), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,840,000 tickets will be printed for the Pennsylvania Scaredy Cash instant game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$400 (FOR HUN) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$50^{.00} (FIFTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20^{.00} (TWENTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$50^{.00}

(FIFTY) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$40.⁰⁰ (FORTY) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.⁰⁰ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$20.⁰⁰ (TWENTY) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (SPKYEYES) symbol, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,840,000 Tickets</i>
\$5	8.57	448,000
\$10 w/SPOOKY EYES	60	64,000
\$5 x 2	30	128,000
\$10	60	64,000
\$20 w/SPOOKY EYES	120	32,000
\$20	120	32,000
\$5 w/5X	120	32,000
\$25	120	32,000
(\$5 w/5X) + (\$5 x 3)	600	6,400
\$40 w/SPOOKY EYES	600	6,400
\$5 x 8	600	6,400
\$10 x 4	600	6,400
\$40	600	6,400
\$10 w/5X	600	6,400
\$50 w/SPOOKY EYES	600	6,400
\$5 x 10	600	6,400
(\$20 x 2) + (\$5 x 2)	600	6,400
\$50	600	6,400
\$20 w/5X	1,714	2,240
\$100 w/SPOOKY EYES	1,714	2,240
(\$5 x 10) + (\$25 x 2)	1,538	2,496
\$25 x 4	1,714	2,240
\$50 x 2	1,714	2,240
\$100	1,600	2,400
(\$50 w/5X) + (\$50 x 3)	12,000	320
\$400 w/SPOOKY EYES	12,000	320
\$40 x 10	12,000	320

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 3,840,000 Tickets
\$400	\$400	12,000	320
(\$10 w/5X) + (\$40 × 10) + \$50	\$500	30,000	128
\$500 w/SPOOKY EYES	\$500	30,000	128
\$50 × 10	\$500	30,000	128
\$100 × 5	\$500	30,000	128
\$500	\$500	30,000	128
\$1,000 w/SPOOKY EYES	\$1,000	60,000	64
\$1,000	\$1,000	60,000	64
\$50,000	\$50,000	384,000	10

Reveal a "SPOOKY EYES" (SPKYEYES) symbol, win prize shown under it automatically. Get a "5X" (5TIMES) symbol, win 5 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Scaredy Cash instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Scaredy Cash instant game, prize money from Pennsylvania Scaredy Cash instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Scaredy Cash instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Scaredy Cash instant game or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1478. Filed for public inspection August 26, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following is available for sale by the Department.
Derry Township, Mifflin County.

The parcel contains 1.42 acres (61,685.64 square feet) of improved land situated at 1 English Court Manor, Lewistown, PA. Estimated fair market value is \$26,300.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice, to Attn: Right-of-Way, 1924 Daisy Street Ext., Clearfield, PA 16830.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 11-1479. Filed for public inspection August 26, 2011, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 219—City of Chalfont, Bucks County

The parcel contains approximately 1,220 square feet located at 3679 Limekiln Pike, Chalfont, PA. The estimated fair market value of the parcel is \$1,600. It has been described as SR6202-7P1 PARCEL 219. Contact the Department for bid forms.

Interested public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice, to Lester C. Toaso, District Executive, Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, ATTN: Matthew Kulpa, District Right of Way Administrator.

Bids must be on Department forms. To obtain a bid form, contact Lynn A. Lederer, Real Estate Specialist, Department of Transportation, Engineering District 6-0, 7000 Geerdes Blvd, King of Prussia, PA 19406, (610) 205-6514, fax (610) 205-6999, llederer@pa.gov.

BARRY J. SCHOCH, P. E.,
Secretary

[Pa.B. Doc. No. 11-1480. Filed for public inspection August 26, 2011, 9:00 a.m.]

Finding Lancaster County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning to replace a structurally deficient and deteriorating bridge carrying SR 0272, Section 026 over the former Reading Railroad line in Ephrata Borough and Ephrata Township, Lancaster County. The existing superstructure and part of the substructure will be removed. An arch culvert will replace the existing structure and the roadway will be reconstructed to match the existing profile and adjacent roadway widths on SR 0272.

Permanent Right-of-Way (ROW) takes are required for this project to accommodate the proposed fill slopes. A Temporary Construction Easement will also be required to construct an access road for construction in the northeast quadrant. The ROW acquisition is required from a Section 2002 property, the future rail trail (0.05 acre). The future rail trail under SR 0272, Section 026 currently contains overgrown vegetation making it difficult for passage. The bridge removal project will be completed prior to the conversion of the corridor to the future rail trail, and will provide adequate passage for the trail users.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Environment Document has been developed for the subject project to evaluate the potential environmental impacts caused by the subject project along with a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use document. The Section 4(f) document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed action.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-1481. Filed for public inspection August 26, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for Approval to Redomesticate from Triumphe Casualty Company

Triumphe Casualty Company, a domestic stock casualty insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Ohio. The initial filing was made under the requirements set forth under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication

are invited to submit a written statement to the Department within 7 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1482. Filed for public inspection August 26, 2011, 9:00 a.m.]

HM Health Insurance Company; Individual Conversion; Rate Filing

On August 11, 2011, HM Health Insurance Company submitted a rate filing (1A-CONV/PPO-11-HHIC) to increase the premium rates for the Conversion Product. The filing proposes a rate increase of 9.9% or \$61.33 per contract per month and will generate approximately \$348,000 of additional annual revenue. This filing will affect approximately 500 contract holders. The requested effective date of the change is January 1, 2012.

This filing also requests the following benefit changes: removal of private duty nursing; change to Progressive Rx Formulary; extended infusion therapy to be eligible with certain providers; and clarify contract language to exclude surrogate maternity.

Unless formal administrative action is taken prior to November 9, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "Current Rate Filings."

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 Cheri 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. 11-1483. Filed for public inspection August 26, 2011, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearings will be

held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Infinity Indemnity Insurance Company; file no. 11-216-102214; Jose Marmolejos; Doc. No. P11-08-008; October 20, 2011, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1484. Filed for public inspection August 26, 2011, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Deborah Hickson; file no. 11-183-104835; State Farm Fire and Casualty Insurance Company; Doc. No. P11-07-006; October 21, 2011, 2 p.m.

Appeal of Ruth B. Oehrle; file no. 11-2145-105041; State Farm Fire and Casualty Insurance Company; Doc. No. PH11-07-010; October 21, 2011; 3 p.m.

Appeal of Evelyn Rosenberg; file no. 11-188-105828; State Farm Fire and Casualty Insurance Company; Doc. No. P11-08-007; October 21, 2011, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1485. Filed for public inspection August 26, 2011, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of State Farm Fire and Casualty Insurance Company; file no. 11-216-105199; Mamie Dickerson; Doc. No. PH11-08-003; October 21, 2011, 10 a.m.

Appeal of State Farm Fire and Casualty Insurance Company; file no. 11-130-104704; Dolores M. Kristofits; Doc. No. P11-07-015; October 21, 2011, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1486. Filed for public inspection August 26, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Act 129 of 2008; Organization of Bureaus and Offices

Public Meeting held
August 11, 2011

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Wayne E.
Gardner; James H. Cawley; Pamela A. Witmer

*Implementation of Act 129 of 2008; Organization of
Bureaus and Offices; Doc. No. M-2008-2071852*

Final Procedural Order

By the Commission

The Commission has undertaken an internal review of Commission operations to determine the best ways to use the enhanced operational flexibility given to us by the General Assembly through its enactment of Act 129 of 2008 (Act 129 or Act). As described below, the Commission has now completed its internal review and herein adopts changes to its organizational structure so that we may better perform our duties under the Public Utility Code.

Background

On October 15, 2008, Governor Rendell signed Act 129 into law. The legislation required electric distribution companies to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption within the service territory of electric distribution companies in the Commonwealth. However, the Act also makes changes to the statutory structure of the Commission by eliminating the statutory requirement that the Commission maintain certain Commission bureaus.

In particular, the Act, effective November 14, 2008, repealed section 306 of the Public Utility Code, 66 Pa.C.S. § 306, which created the Commission's Office of Trial Staff (OTS). It also repealed sections 308(c) and 308(e), which recognized the Bureau of Conservation, Economics and Energy Planning (CEEP) and the Office of Special Assistants (OSA) in the statute. 66 Pa.C.S. §§ 308(c) and (e). However, Act 129 also added language which gives the Commission greater flexibility to establish bureaus and assign staff through new section 308.2. 66 Pa.C.S. § 308.2.

The General Assembly, in amending the Public Utility Code, provided the Commission with greater operational flexibility to respond to the rapidly changing utility environment of the twenty-first century. This enhanced operational flexibility gives the Commission the ability to realign Commission bureaus and offices to meet the needs of a changing utility regulatory environment, to properly align resources and duties, to provide for greater accountability, and to recruit the best staff to meet its current responsibilities and challenges.

Shortly after passage of Act 129, we began an internal review of Commission operations to determine the best ways to use the enhanced operational flexibility given to us by the General Assembly. By order adopted November 6, 2008, the Commission provided that until such time as the Commission completes its internal review and takes formal action to alter the composition of its bureaus and offices, and to avoid any gap in necessary staff functions, the status quo will be maintained as to the duties, responsibilities and functions of these bureaus and offices.

Additionally, not long after Act 129 was enacted, the Commission convened an internal group of senior staff to identify the key functions performed by each bureau. Following that process, the Commission issued a Request for Proposals and hired Public Financial Management, Inc. (PFM) to conduct a comprehensive review of the organizational structure and offer recommendations for changes.

PFM began its review in September 2009 and provided a draft report with recommendations to the Commission in March 2010. During its review, PFM interviewed Commissioners and senior staff, as well as many external stakeholders; surveyed all PUC employees; and consulted with comparable agencies in other jurisdictions. Key recommendations offered by PFM included a reduction in the number of direct reports to the Director of Operations, the incorporation of a strategy and planning function at a senior staff level, and the creation of a chief operations office to lead the delivery of services within the PUC. PFM also recommended that all prosecutory functions be performed by a single bureau.

Following a review of PFM's recommendations, the Commission developed its own draft plan for reorganization, which was shared with senior staff in January 2011. The Commission then formed a Reorganization Implementation Planning Team, which prepared an Implementation Plan that was released to all employees in June 2011.

Discussion

The Commission has now completed its internal review and, through this Order, is placing the Implementation Plan containing PFM's key recommendations noted above into operation. Specifically, the Commission is creating an Executive Director position, which is responsible for the overall operations and the strategy and planning functions of the Commission. The Commission is also creating

the positions of Director of Regulatory Operations and the Director of Administration. The Director of Regulatory Operations is responsible for oversight of the bureaus performing regulatory functions (other than the Office of Administrative Law Judge) and the Director of Administration leads the delivery of services within the PUC. By creating the Bureau of Investigation and Enforcement, the Commission is moving all prosecutory functions into one bureau. These positions, their duties and the new bureaus are described in more detail below. Additionally, a new organization chart is attached to this order.

Bureau of Technical Utility Services

The Bureau of Technical Utility Services (TUS) bureau will consist of all staff currently assigned to the Bureau of Fixed Utility Services and the Bureau of Conservation, Economics and Energy Planning. As such, it will perform all of the functions presently fulfilled by those bureaus. It will also consist of technical staff currently assigned to two divisions in the Bureau of Transportation and Safety: (1) the existing Motor Carrier Compliance Office, which processes motor carrier applications and tariff filings, and (2) the existing Railroad Safety Division, which handles rail crossing applications and performs equipment and track inspection duties. Some support staff assigned to these divisions will also be transferred to the Bureau of TUS.

The Bureau of TUS will serve as the principal technical advisory bureau to the Commission. It will offer substantive and policy recommendations to the PUC on fixed and transportation utility regulatory matters including, but not limited to, rates, tariff filings, applications, security certificates, affiliated interest agreements, financial reviews, economic analyses, Act 129 implementation plans, alternative energy programs, transportation and fixed utility regulatory compliance, rail crossings and rail safety inspections, and service quality, safety and reliability. The Bureau of TUS shall also undertake such other related duties as may be assigned by the Commission consistent with 66 Pa.C.S. § 308.2(a).

Bureau of Investigation and Enforcement

The Bureau of Investigation and Enforcement (BI&E) will consist of all staff currently assigned to the Office of Trial Staff. As such, it will continue to perform all of the prosecutory functions presently fulfilled by that bureau. The bureau's duties will also include other prosecutory functions, including service and ratemaking issues of fixed and transportation utilities. Legal staff will be transferred from the Law Bureau to BI&E. Also, the Gas Safety Division staff and the Motor Carrier Enforcement Division staff (excluding the Compliance Office) will be transferred to BI&E. Motor Carrier Enforcement Division staff to be transferred to BI&E includes the Chief of the Division, the Motor Carrier Safety Coordinator, the Enforcement Managers and the Enforcement Officers, and some support staff.

BI&E will serve as the prosecutory bureau for purposes of representing the public interest in ratemaking and service matters before the Office of Administrative Law Judge and enforcing compliance with the state and federal motor carrier safety and gas safety laws and regulations. The bureau will also handle, before the Office of Administrative Law Judge, rail safety enforcement proceedings that are referred by the Bureau of TUS and defense of Commission assessment cases.¹

¹ The prosecutions, informal investigations and defense of Commission assessment cases currently assigned to Law Bureau will be reassigned to BI&E on a case by case

As a result of the changes described above, the Bureau of Investigation and Enforcement shall have standing and authority, through its attorneys, to participate in all Commission proceedings and to initiate enforcement actions and prosecutions in the public interest. The Office of Trial Staff shall no longer exist as a separate bureau. Also, the Bureau of Investigation and Enforcement will not be required to submit a public meeting report to the Commission regarding proposed rate increases, as was required by the former 66 Pa.C.S. § 306(b)(2). Lastly, the prohibition against commingling of functions set forth in 66 Pa.C.S. § 308.2(b) shall apply to all BI&E employees who are engaged in prosecutory functions.

In regard to pending Commission proceedings, any obligation of the parties to those proceedings to serve motions, discovery, briefs or other documents on the former OTS shall continue and shall be served on BI&E; conversely, any duties of the former OTS to file briefs, testimony or other documents shall now be the responsibility of BI&E. Also, any references and corresponding duties in the Commission's regulations to the former OTS, especially as to service of petitions, applications, rate case filings and other documents, shall be to applicable to BI&E.

Delegation of Authority

From time to time, we have delegated authority to various bureaus within the Commission. These functions are usually ministerial in nature and do not require a vote of the Commission to implement. These delegated functions are set forth within the PUC Procedures Manual. Until such time as the PUC Procedures Manual has been revised to reflect the changes being made by this order, we want to ensure that there is no lapse in the performance of these functions. Therefore, we shall designate that any authority delegated to a bureau which no longer exists as a result of this order shall be transferred to the bureau in which the former bureau has been subsumed.

Director of Regulatory Operations

In order to facilitate the operation of the Commission as reconfigured by the creation of these new bureaus and, to better separate administrative and regulatory duties, we shall designate that the Director of Operations shall now become the Director of Regulatory Operations. This director's duties are summarized immediately below. The position of Director of Administrative Services shall henceforth be known as the Director of Administration. This director's duties are summarized in the next section. The persons in both of these positions will perform duties similar to those currently required with some changes. They will now report to a new Executive Director whose duties are also set forth below.

The Director of Regulatory Operations shall be responsible for the day-to-day oversight of all bureaus and offices of the Commission charged with the interpretation, application, investigation and enforcement of policies, laws, regulations, programs and standards involving the Commission regulation of public utilities and Commission licensed entities with the exception of the Office of Administrative Law Judge (OALJ). The Director of Regulatory Operations shall be responsible for planning, organizing, coordinating, directing and overseeing the Commission's regulatory operational staff to ensure effective accomplishment of assigned workloads and achievement

basis and as an appropriate number of Law Bureau attorneys are transferred to BI&E to perform its functions. In the meantime, Law Bureau will continue to handle these matters before the Commission.

of organizational objectives. The director's duties involve the establishment of regulatory goals and objectives, implementation of Commission policy and statutory requirements, and evaluation of existing regulatory programs for efficiency and effectiveness. As noted above, the Director of Regulatory Operations reports directly to and is accountable to the Executive Director on the regulatory functions of the PUC.

With regard to BI&E, the Director of Regulatory Operations will be responsible for administrative matters only, including coordination of staffing needs involving other bureaus for prosecutory actions, and may not direct or intervene in any prosecution initiated or conducted by the Bureau of Investigations and Enforcement. This director is also responsible for Commission response to requests for ex parte relief under 52 Pa. Code § 3.2.

Director of Administration

Henceforth, the Director of Administrative Services shall be known as the Director of Administration. This director is responsible for planning, organizing, directing and overseeing the Commission's administrative and fiscal operational staff to ensure effective accomplishment of assigned workloads and achievement of organizational objectives. The director's duties involve the establishment of administrative organizational goals and objectives, the development and implementation of effective administrative policies and procedures to effect achievement of established goals and objectives, and evaluation of existing administrative programs for efficiency and effectiveness. The Director of Administration reports directly to and is accountable to the Executive Director on the administrative and fiscal functions of the organization.

Executive Director

Overseeing the policy development and implementation and daily operations of the Commission shall be the Executive Director. The Executive Director will be responsible for fulfilling the statutory duties set forth in 66 Pa.C.S. § 305(a) (Director of operations, secretary, employees and consultants). As such, the Director of Regulatory Operations and the Director of Administration shall report to the Executive Director, as described above. The Executive Director is responsible for planning, organizing, directing and controlling the overall operations of the Commission through his or her subordinate directors and managers.

The Executive Director shall also develop long range strategic plans and policies to address the current and future needs of the Commission. The Executive Director will establish a strategy and planning committee that includes the Director of Administration, the Director of Regulatory Operations, and other senior management staff to assist with the development of the long range strategic plan and appropriate policies. In conjunction with these duties this director will implement programs, policies, and protocols and monitor operations to ensure compliance with the Commission-approved strategic plan and policies. The offices of Communications and Legislative Affairs shall report directly to the Executive Director. The Office of Administrative Law Judge shall report to the Executive Director for administrative purposes only.

Other Bureaus and Offices

All bureaus and offices established by statute shall continue to exist and operate within the Commission. Those not designated by statute, but which are not being folded into one of the new bureaus shall also continue to operate as before. Those bureaus and offices which shall continue are listed as follows:

Office of Administrative Law Judge (OALJ)—The OALJ shall continue to be responsible for the conduct of hearings, preparation of initial decisions and the recommended decision in proceedings involving complaints, applications, rate matters and other cases involving disputes as to facts and law as per 66 Pa.C.S. § 304 (Administrative Law Judges).

Office of the Secretary—The Commission Secretary shall continue to be responsible for maintaining the official record of all Public Meetings, Commission votes and proceedings before the Commission per 66 Pa.C.S. § 305(b).

Law Bureau—The Law Bureau shall continue to provide the Commission with legal review and advice regarding petitions, applications and other matters before the Commission, and representation before state and federal regulatory agencies and state and federal courts, consistent with 66 Pa.C.S. § 308(b) (Bureaus and offices) and 66 Pa.C.S. § 308.2(a) and to initiate enforcement actions, on behalf of the Commission before courts of law, to restrain violations of the Public Utility Code, or of Commission regulations or orders, consistent with 66 Pa.C.S. 308(b) (Bureaus and offices), 66 Pa.C.S. 503 (Enforcement proceedings by Chief Counsel), and 66 Pa.C.S. 308.2(a).

Consumer Services—The Bureau of Consumer Services shall continue to investigate consumer complaints regarding utility service, acting as a liaison between consumers and utilities as well as assisting the Commission in its formulation of policy regarding consumers and the billing and other matters relative to their service provided by regulated utilities consistent with 66 Pa.C.S. § 308(d).

Audits—The Commission's Bureau of Audits shall continue its responsibility of performing audits of utility books, accounts and management pursuant to the Public Utility Code as well as providing the Commission with advice on accounting matters, consistent with 66 Pa.C.S. § 308.2(a).

Office of Special Assistants—The Office of Special Assistants will continue to be responsible for review of exceptions, interlocutory orders, petitions for rehearing, reconsideration and clarification, and drafting proposed orders for the Commission's consideration, and such other duties as may be required, consistent with 66 Pa.C.S. § 308.2(a).

Prior Commission Orders

All directives in prior Commission orders or Secretarial Letters that name any previously existing bureau, office or position, shall now apply to the new bureaus, offices and positions that have that same function.

In order to adapt to the changed nature of the regulated service provided by utilities and licensees under the Public Utility Code and the various new responsibilities and duties which have been placed upon the Commission by the Legislature in recent years, we find that the previously-described changes to the organization of the Commission are in the public interest and will better position the Commission to perform its duties under the Public Utility Code. Accordingly, by this order, pursuant to our general powers and those contained in 66 Pa.C.S. § 308.2(a), we shall make the aforementioned changes in the PUC's internal structure; *Therefore,*

It Is Ordered That:

1. The Commission establishes a new bureau to be called the Bureau of Technical Utility Services consisting of all staff currently assigned to the Bureau of Fixed

Utility Services, the Bureau of Conservation, Economics and Energy Planning and other staff as described herein.

2. The Commission establishes a new bureau to be called the Bureau of Investigation and Enforcement consisting of all staff currently assigned to the Office of Trial Staff and other staff as described herein.

3. Attorneys and technical staff within BI&E have standing and authority to participate in all Commission proceedings and to initiation enforcement actions and prosecutions in the public interest.

4. Authority previously delegated by the Commission to any bureau or office which no longer exists as a result of this order shall be transferred to the bureau or office in which the former bureau has been subsumed.

5. The Bureau of Fixed Utility Services, the Bureau of Conservation, Economics and Energy Planning, the Office of Trial Staff, and the Bureau of Transportation and Safety are hereby abolished.

6. The Director of Operations shall now be known as the Director of Regulatory Operations with the duties described herein.

7. The Director of Administrative Services shall be known as the Director of Administration with the duties described herein.

8. The position of Executive Director is hereby established with the duties described herein, including the statutory duties set forth in 66 Pa.C.S. § 305(a).

9. All directives in prior Commission orders or Secretarial Letters that name any previously existing bureau, office or position, shall now apply to the new bureaus, offices and positions that have that same function.

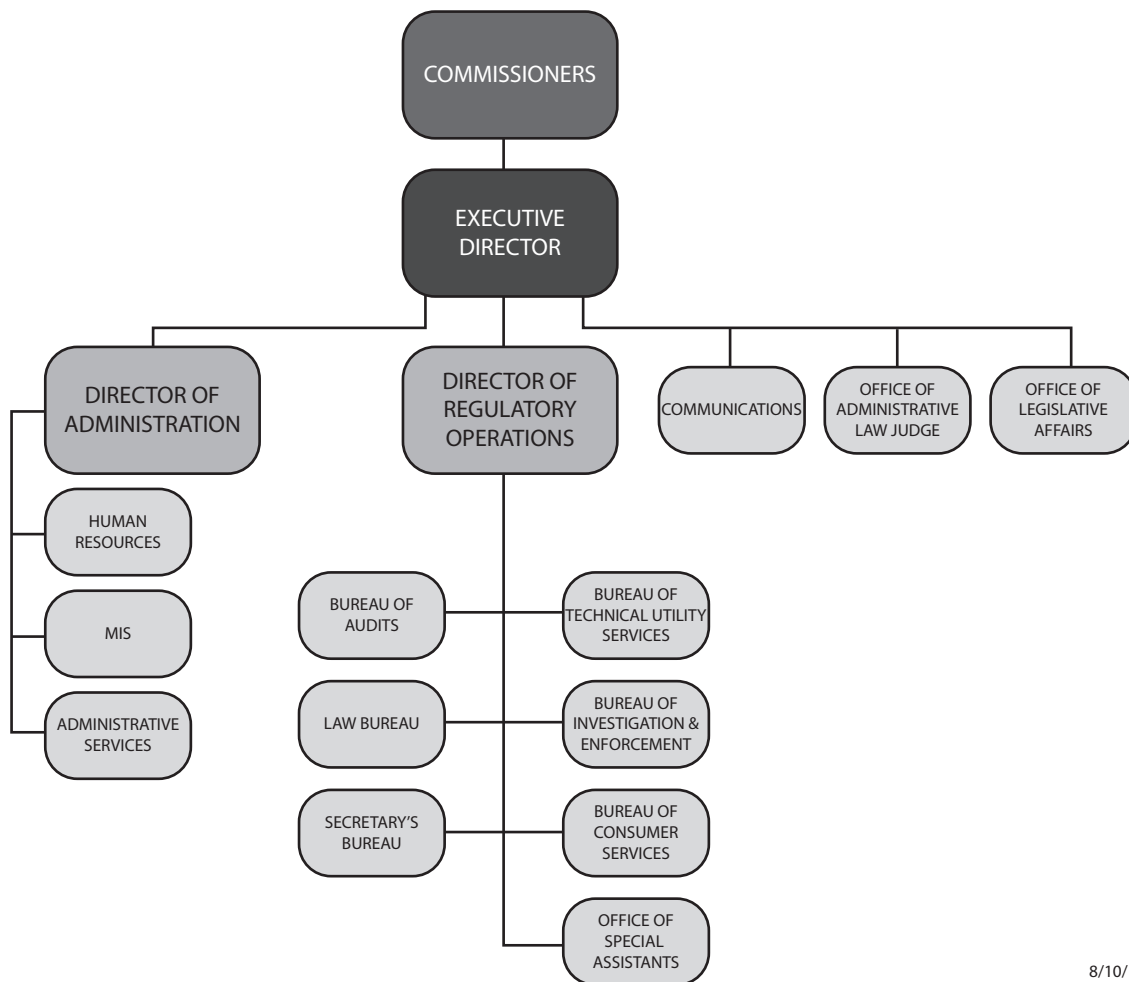
10. All utilities, common carriers and other persons having business with the Commission shall continue to serve complaints, petitions, tariffs, reports and other documents and information with the bureaus, offices and positions as required by our regulations and orders.

11. This order shall be effective on August 11, 2011.

12. A copy of this Final Procedural Order be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

New PUC Organizational Chart



8/10/11

[Pa.B. Doc. No. 11-1487. Filed for public inspection August 26, 2011, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 12, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2011-2252617. B.D. Senior & Paratransit Co., Inc. (1001 East Luzerne Street, Philadelphia, PA 19124)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the City and County of Philadelphia.

A-2011-2254433. First Choice Transport, Inc. (3626 Route 322, Knox, Clarion County, PA 16232), a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Clarion County to points in Pennsylvania, and return.

Applications 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 conveyance as described under each application.*

A-2011-2247910. Capital Bus Company (1061 South Cameron Street, Harrisburg, Dauphin County, PA 17104)—to discontinue all services as a common carrier by motor vehicle, at A-00067651 (folders 1—19), authorizing the transportation, as a common carrier, by motor vehicle, persons in scheduled route, taxi and paratransit service, between points in Pennsylvania.

A-2011-2253852. Timothy S. Powell (212 Pine Run Road, Punxsutawney, Jefferson County, PA 15767)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Armstrong, Clearfield, Indiana and Jefferson, to points in Pennsylvania, and return.

A-2011-2253918. Michael James Himes (928 Georgetown Road, Paradise, PA 17562)—for the discontinuance of service and cancellation of his certificate as a common carrier, by motor vehicle, at A-00123965, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, and return.

A-2011-2253959. Edward R. Duffy (531 Greenland Drive, Lancaster, Lancaster County, PA 17602), for the discontinuance of service and cancellation of his Certificate as a common carrier, by motor vehicle, at No. 6410131, authorizing the transportation of persons in paratransit service, whose personal convictions prevent

them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

A-2011-2253974. Executive Car & Limousine Service, Inc. (1009 Hearthstone Way, Lewisburg, Union County, PA 17837)—discontinuance of service and cancellation of its certificate—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Union, Lycoming, Montour, Snyder and Northumberland, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2011-2253975. Executive Car & Limousine Service, Inc. (1009 Hearthstone Way, Lewisburg, Union County, PA 17837)—discontinuance of service and cancellation of its certificate—as amended by A-2008-2037188—persons in limousine service, persons in limousine service between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1488. Filed for public inspection August 26, 2011, 9:00 a.m.]

Telecommunications

A-2011-2256434. Verizon Pennsylvania, Inc. and NET TALK.COM, Inc. Joint petition of Verizon Pennsylvania, Inc. and NET TALK.COM, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and NET TALK.COM, Inc., by its counsel, filed on August 5, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and NET TALK.COM, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1489. Filed for public inspection August 26, 2011, 9:00 a.m.]

Telecommunications

A-2011-2256513. Verizon North, LLC and NET TALK.COM, Inc. Joint petition of Verizon North, LLC and NET TALK.COM, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and NET TALK.COM, Inc., by its counsel, filed on August 5, 2011, at the Pennsylvania

Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and NET TALK.COM, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1490. Filed for public inspection August 26, 2011, 9:00 a.m.]

Telecommunications

A-2011-2256516. Verizon Pennsylvania, Inc. and Digizip.com, Inc. Joint petition of Verizon Pennsylvania, Inc. and Digizip.com, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Digizip.com, Inc., by its counsel, filed on August 5, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Digizip.com, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1491. Filed for public inspection August 26, 2011, 9:00 a.m.]

Telecommunications

A-2011-2256586. Verizon North, LLC and Digizip.com, Inc. Joint petition of Verizon North, LLC and Digizip.com, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Digizip.com, Inc., by its counsel, filed on August 5, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of 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 and Digizip.com, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1492. Filed for public inspection August 26, 2011, 9:00 a.m.]

Water Service

A-2011-2257622 and A-2011-2257641. Pennsylvania American Water Company (PAWC) and the Wildcat Park Corporation (Wildcat). Joint application of PAWC and Wildcat for approval of: 1) the transfer, by sale, of the water works property and rights of Wildcat to PAWC; 2) the commencement by PAWC of water service to the public in portions of Walker Township, Schuylkill County, presently being served by Wildcat; and 3) the abandonment by Wildcat of all waster service to the public.

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 12, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us and at the applicant's business address.

Applicant: Pennsylvania American Water Company and Wildcat Park Corporation

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, PA American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033

Louise A. Knight, Esquire, 1150 Newbold Lane, Mechanicsburg, PA 17050

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1493. Filed for public inspection August 26, 2011, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids until 2 p.m. on Thursday, September 22, 2011, for Project No. 11-055.S (Window Cleaning—TAB). Bid opening will be held at 3460 North Delaware Avenue, Philadelphia, PA 19134. The bid documents can be obtained on the PRPA web site at www.philaport.com and will be available August 30, 2011. Contact the Procure-

ment Department at (215) 426-2600 to provide contact information to receive addenda and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid meeting will be held on Thursday, September 8, 2011, at 10 a.m. at 3460 North Delaware Avenue, Philadelphia, PA 19134. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 11-1494. Filed for public inspection August 26, 2011, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Roger Theodore, M.D.; Doc. No. 2110-49-10

On July 8, 2011, Roger Theodore, M.D., license no. MD033574L, of Baltimore, MD, had his Pennsylvania license indefinitely suspended until his Maryland medical license has been restored to unrestricted status, based upon disciplinary action taken against his license to practice medicine by the proper licensing authority of Maryland and findings that Roger Theodore, M.D. failed to report this disciplinary action to the State Board of Medicine (Board) within 60 days of its occurrence.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Board's 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.

CAROL E. ROSE, M.D.,
Chairperson

[Pa.B. Doc. No. 11-1495. Filed for public inspection August 26, 2011, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Roads Pollution Prevention Maintenance Program; Correction to Allocated Amount

The notice announcing apportionment of Dirt and Gravel Pollution Prevention Maintenance Program funds for the 2011-12 Fiscal Year originally published at 41 Pa.B. 4279 (August 6, 2011) incorrectly stated that Bradford County Conservation District was allocated \$302,988. The correct amount is \$302,984. The total

amount of \$3,528,000 as originally published is correct. Any questions can be referred to Karen Ely, State Conservation Commission Office, Room 310, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

GEORGE D. GREIG,
Chairperson

[Pa.B. Doc. No. 11-1496. Filed for public inspection August 26, 2011, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Slippery Rock University; Request for Bids

Slippery Rock University (University) will be requesting bids for furniture, fixtures and equipment for a new Student Center. Bidding will begin in late August and continue throughout the fall.

To bid on these purchases, individuals and businesses shall register at www.ebidexchange.com/PASSHE (click on "Solicitations," click "View" to the left of the bid number and click the "Documents" and "Bid" tabs).

Individuals with questions should contact the Purchasing Office, (724) 738-2079.

ROBERT M. SMITH,
President

[Pa.B. Doc. No. 11-1497. Filed for public inspection August 26, 2011, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting on September 15, 2011, at 8:30 a.m. at Country Inn and Suites Cooperstown, 4470 State Highway 28, Milford, NY 13807. At the public hearing, the Commission will consider: (1) compliance matters involving three projects; (2) the rescission of one docket approval; (3) action on certain water resources projects; and (4) action on three projects involving a diversion. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

Supplementary Information

In addition to the public hearing and its related action items identified as follows, the business meeting also includes actions or presentations on the following items: (1) expansion of the Remote Water Quality Monitoring Network; (2) hydrologic conditions in the basin; (3) a report on the Morrison Cove Study in the Juniata Subbasin; (4) the Maurice K. Goddard Award to Dr. Willard Harman of the SUNY Biological Station at

Oneonta; (5) a possible supplemental proposed rule-making action; (6) a preliminary introduction to dockets; (7) a capital budget and contract for acquisition of a new Commission headquarters building; and (8) ratification/approval of grants/contracts. The Commission will also hear Legal Counsel's report.

Public Hearing—Compliance Actions

1. Project Sponsor: Energy Corporation of America. Pad ID: Coldstream Affiliates No. 1MH (ABR-201007051 and ABR-201007051.1), Goshen Township, Clearfield County, PA and Pad ID: Whitetail No. 1-5MH (ABR-201008112 and ABR-201008112.1), Goshen and Girard Townships, Clearfield County, PA.

2. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation (Docket No. 20110307), Hazleton City, Luzerne County, PA.

3. Project Sponsor: Keister Miller Investments, LLC. Withdrawal ID: West Branch Susquehanna River (Docket No. 20100605), Mahaffey Borough, Clearfield County, PA.

Public Hearing—Project Scheduled for Rescission Action

1. Project Sponsor and Facility: Lake Meade Municipal Authority (Docket No. 19911102), Reading Township, Adams County, PA.

Public Hearing—Projects Scheduled for Action

1. Project Sponsor: Anadarko E & P Company, LP. Project Facility: Sproul State Forest—Council Run, Snow Shoe Township, Centre County, PA. Application for groundwater withdrawal of up to 0.715 mgd from Well PW-11.

2. Project Sponsor: Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 1.210 mgd from Well 1.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Modification to increase surface water withdrawal by an additional 0.441 mgd, for a total of 1.44 mgd (Docket No. 20080906).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, PA. Modification to increase surface water withdrawal by an additional 0.441 mgd, for a total of 1.44 mgd (Docket No. 20090605).

5. Project Sponsor and Facility: EXCO Resources (PA), LLC (Pine Creek), Porter Township, Lycoming County, PA. Application for surface water withdrawal of up to 2.000 mgd.

6. Project Sponsor: Graymont (PA), Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Application for groundwater withdrawal of up to 0.660 mgd from Well I-5 (McJunkin Well Field).

7. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, PA. Modification to increase consumptive water use approval by 0.145 mgd, for a total of 0.200 mgd (Docket No. 20110307).

8. Project Sponsor and Facility: J-W Operating Company (Sterling Run), Lumber Township, Cameron County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20090330).

9. Project Sponsor and Facility: M & P Energy Services, Inc. (Susquehanna River), Briar Creek Borough, Columbia County, PA. Application for surface water withdrawal of up to 0.999 mgd.

10. Project Sponsor: Mayor and City Council of Baltimore. Project Facility: Maryland Water Supply System, Halls Cross Roads District, Harford County, MD. Modification to conditions of the surface water withdrawal approval (Docket No. 20010801).

11. Project Sponsor: Mayor and City Council of Baltimore. Project Facility: Maryland Water Supply System, Halls Cross Roads District, Harford County, MD. Modification to conditions of the consumptive water use approval (Docket No. 20010801).

12. Project Sponsor: Milton Regional Sewer Authority. Project Facility: Wastewater Treatment Plant, Milton Borough and West Chillisquaque Township, Northumberland County, PA. Application for withdrawal of treated wastewater effluent of up to 0.864 mgd.

13. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (West Branch Susquehanna River), Pine Creek Township, Clinton County, PA. Application for surface water withdrawal of up to 0.400 mgd.

14. Project Sponsor and Facility: Seneca Resources Corporation (Marsh Creek), Delmar Township, Tioga County, PA. Application for surface water withdrawal of up to 0.499 mgd.

15. Project Sponsor and Facility: Southwestern Energy Production Company, Herrick Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.101 mgd from the Fields Supply Well.

16. Project Sponsor and Facility: Stanley S. Karp, Sr. (Tunkhannock Creek), Nicholson Borough, Wyoming County, PA. Application for surface water withdrawal of up to 0.510 mgd.

17. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090628).

18. Project Sponsor: Susquehanna Gas Field Services, LLC. Project Facility: Meshoppen Pizza Well, Meshoppen Borough, Wyoming County, PA. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100612).

19. Project Sponsor and Facility: William C. Wingo (Wingo Ponds), Ulysses Township, Potter County, PA. Application for surface water withdrawal of up to 0.099 mgd.

20. Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, PA. Application for surface water withdrawal of up to 2.000 mgd.

Public Hearing—Projects Scheduled for Action Involving a Diversion

1. Project Sponsor: Mayor and City Council of Baltimore. Project Facility: Maryland Water Supply System, Halls Cross Roads District, Harford County, MD. Modification to conditions of the diversion approval (Docket No. 20010801).

2. Project Sponsor: SWEPI, LP. Project Facility: Pennsylvania American Water Company—Warren District, Warren City, Warren County, PA. Application for an into-basin diversion of up to 3.000 mgd from the Ohio River Basin.

3. Project Sponsor: EQT Production Company. Project Facility: Franco Freshwater Impoundment, Washington Township, Jefferson County, PA. Application for an into-basin diversion of up to 0.482 mgd from the Ohio River Basin.

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer written or oral comments to the Commission on any matter on the hearing agenda or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting.

Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to September 9, 2011, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 11-1498. Filed for public inspection August 26, 2011, 9:00 a.m.]

