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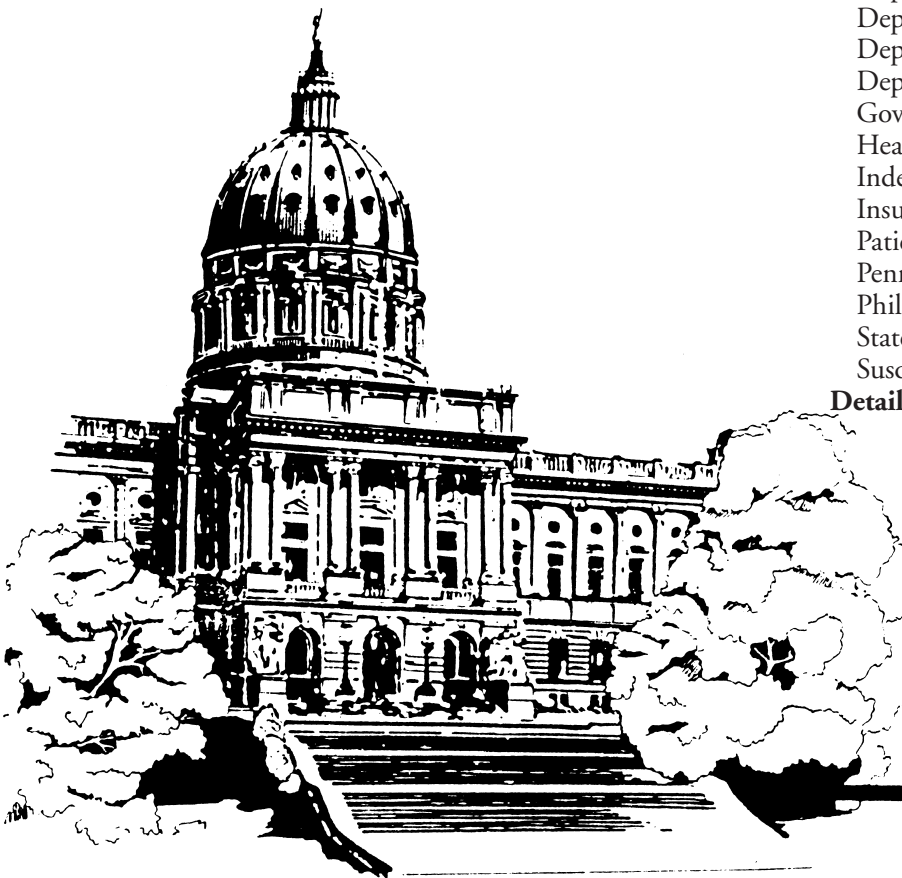
# PENNSYLVANIA BULLETIN

Volume 42  
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Number 35  
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Delaware River Basin Commission  
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Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of Health  
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Department of Revenue  
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Insurance Department  
Patient Safety Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Conservation Commission  
Susquehanna River Basin Commission

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

**No. 454, September 2012**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Amendment of Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a) and 1035.2(a); Adoption of Local Rule of Civil Procedure 210

##### Order

*And Now*, this 7th day of August, 2012, the Court hereby Amends Montgomery County Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a), and 1035.2(a), and Adopts Montgomery County Local Rule of Civil Procedure 210. These Amended and Adopted Local Rules shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239 and 239.8, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

*By the Court*

WILLIAM J. FURBER, Jr.,  
*President Judge*

#### Rule 206.4(c). Issuance of a Rule to Show Cause.

(1) *Issuance.* The issuance of a Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:

- (a) a cover sheet in the form set forth in Rule 205.2(b),
- (b) a brief or memorandum of law, as set forth in Rule 210, if the subject petition is filed on or after October 1, 2012, and
- (c) a proposed order in the following form:

See Form Proposed Order
-------------------------

The petition and proposed order shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of execution pending disposition of a petition to open default judgment, or any other petition governed by this rule, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

##### (2) *Disposition.*

For petitions governed by this Rule filed before October 1, 2012, after the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. If the respondent does not file an answer to the petition within the

timeframe outlined in the proposed order, petitioner may, by checking the appropriate box on the argument praecipe, request the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

The Prothonotary shall forthwith deliver a copy of the praecipe to Court Administration. The praecipe shall be in the following form:

See Form Argument Praecipe
----------------------------

The brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. The brief of the respondent, as set forth in Rule 210, shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

Once briefs are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument is requested by either party on either their respective cover sheets or the argument praecipe, the matter shall then be scheduled for argument. If oral argument is not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

For petitions governed by this Rule filed on or after October 1, 2012, sixty (60) days from the filing of the petition, the matter shall be referred to the assigned Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within sixty (60) days from the filing of the petition. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If discovery or oral argument were not requested by either party, the assigned Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings. If the respondent did not file an answer to the petition within the timeframe outlined in the proposed order, the Court will consider the petition without an answer, and enter an appropriate order in accordance with Rule 206.7(a).

(3) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the petition where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

*Comment:* the forms referenced in this rule are available online at [www.montcopa.org/courts](http://www.montcopa.org/courts).

#### Rule 210. Briefs.

(1) *Form.* Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated, and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and

summary statements, separately and distinctly titled, or the following items in the order listed:

(a) **Matter before the Court:** State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.

(b) **Statement of question(s) involved:** State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.

(c) **Facts:** State the operative facts.

(d) **Argument:** State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.

(e) **Relief:** State the specific action(s) requested of the court.

#### **Rule 1028(c). Preliminary Objections.**

(1) *Filing.* All preliminary objections shall be filed:

(a) in accordance with Pa.R.C.P. 1028,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210, if the subject preliminary objections are filed on or after October 1, 2012,

(3) a proposed order, and

(4) a certificate of service.

(2) *Response.* The respondent shall file an answer to preliminary objections, if required:

(a) in accordance with Pa.R.C.P. 1028 and Pa.R.C.P. 1029,

(b) within twenty (20) days of the service of the preliminary objections,

(c) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210, if the subject preliminary objections were filed on or after October 1, 2012,

(3) a proposed order, and

(4) a certificate of service.

(3) *Disposition.*

For preliminary objections filed before October 1, 2012, after the response is filed, if any, where any party demands discovery, the parties shall complete such discovery within sixty (60) days of the filing of the response, unless otherwise directed by the Court. After the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form Argument Praecipe
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For preliminary objections raising appealable matters, the brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent, as set forth in Rule 210, shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For preliminary objections raising interlocutory matters, where the Court orders briefs, the brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief, as set forth in Rule 210, shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

For preliminary objections filed on or after October 1, 2012, sixty (60) days from the filing of preliminary objections, the matter shall be referred to the assigned Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within sixty (60) days from the filing of preliminary objections. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If discovery or oral argument were not requested by either party, the assigned Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the preliminary objections where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

*Comment:* the form referenced in this rule is available online at [www.montcopa.org/courts](http://www.montcopa.org/courts).

#### **Rule 1034(a). Motion for Judgment on the Pleadings.**

(1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:

(a) in accordance with Pa.R.C.P. 1034,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),



(2) a brief or memorandum of law, as set forth in Rule 210, if the subject motion for judgment on the pleadings is filed on or after October 1, 2012,

(3) a proposed order, and

(4) a certificate of service

(2) *Response*. An answer to a motion for judgment on the pleadings is required from the non-moving parties:

(a) in accordance with Pa.R.C.P. 1034,

(b) within thirty (30) days of the service of the motion,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210, if the subject motion for judgment on the pleadings was filed on or after October 1, 2012,

(3) a proposed order, and

(4) a certificate of service

(3) *Disposition*.

For motions for judgment on the pleadings filed before October 1, 2012, after the response is filed, if any, where any party demands discovery, the parties shall complete such discovery within sixty (60) days of the filing of the response, unless otherwise directed by the Court. After the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form Argument Praecipe

For motions for judgment on the pleadings raising appealable matters, the brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directed by the assigned Judge. Regarding appealable matters, the brief of the respondent, as set forth in Rule 210, shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For motions for judgment on the pleadings raising interlocutory matters, where the Court orders briefs, the brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief, as set forth in Rule 210, shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directed by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

For motions for judgment on the pleadings filed on or after October 1, 2012, sixty (60) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on their

respective cover sheets, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs*. If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

*Comment:* the form referenced in this rule is available online at [www.montcopa.org/courts](http://www.montcopa.org/courts).

#### **Rule 1035.2(a). Motion for Summary Judgment.**

(1) *Filing*. After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:

(a) in accordance with Pa.R.C.P. 1035.2,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210, if the subject motion for summary judgment is filed on or after October 1, 2012

(3) a proposed order, and

(4) a certificate of service.

(2) *Response*. An answer to a motion for summary judgment is required from the adverse parties:

(a) in accordance with Pa.R.C.P. 1035.3,

(b) within thirty (30) days of the service of the motion,

(c) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210, if the subject motion for summary judgment was filed on or after October 1, 2012,

(3) a proposed order, and

(4) a certificate of service.

(3) *Disposition*.

For motions for summary judgment filed before October 1, 2012, after the response is filed, if any, where any party demands discovery, the parties shall complete such discovery within sixty (60) days of the filing of the response, unless otherwise directed by the Court. After the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form Argument Praecipe

For motions for summary judgment raising appealable matters, the brief of the moving party, as set forth in Rule

210, shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent, as set forth in Rule 210, shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For motions for summary judgment raising interlocutory matters, where the Court orders briefs, the brief of the moving party, as set forth in Rule 210, shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief, as set forth in Rule 210, shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

For motions for summary judgment filed on or after October 1, 2012, sixty (60) days from the filing of the motion for summary judgment, the matter shall be referred to the assigned Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within sixty (60) days from the filing of the motion. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

*Comment:* the form referenced in this rule is available online at [www.montcopa.org/courts](http://www.montcopa.org/courts).

[Pa.B. Doc. No. 12-1679. Filed for public inspection August 31, 2012, 9:00 a.m.]

## SCHUYLKILL COUNTY

### Amend Civil Rule of Procedure 301 Board of Viewers; S 1815-12

#### Order of Court

And Now, this 15th day of August, 2012 at 3:45 p.m., Schuylkill County Civil Rule of Procedure No. 301(e)(ii)

Board of Viewers is amended and § 301(e)(iii) and (f) are hereby rescinded for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

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

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

### SCHUYLKILL COUNTY RULES OF CIVIL PROCEDURE

#### Rule 301. Board of Viewers.

(a) *Composition and Appointment of Boards of Viewers Pursuant to 42 Pa.C.S. § 214*

The Board of Viewers shall consist of not less than nine (9) members, all of whom shall be adult residents of Schuylkill County. At least one-third (1/3) of its members shall be attorneys. Board members shall be appointed for a term of three (3) years by the Court of Common Pleas. Sitting board members may be re-appointed for an additional term or terms of three (3) years upon expiration of their terms. Vacancies in an unexpired term of a board member shall be filled by the President Judge. The Court shall have the power to remove a board member at will.

(b) *Petitions for Appointment of a Board of Viewers*

Petitions for appointment of a Board of Views shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b) and shall comply with Sch.R.C.P. 206A. In case of a vacancy in the Viewers appointed in a specific case before the panel files its report, the President Judge shall fill such vacancy by appointing another member of the Board of Viewers.

(c) *Appeals from Decision of Viewers*

Any party who appeals to the court from the decision of the Viewers and sets forth in the appeal objections to the Viewers' Report other than to the amount of the award shall comply with Sch.R.C.P. 14.

(d) *Stenographic Notes*

Whenever, in the opinion of the Board of Viewers, it shall be desirable, accurate stenographic notes of the hearing shall be taken and copies of such notes shall be furnished to the parties interested, when desired, upon payment of such sum as shall be fixed from time to time

by the Court. The stenographer in any particular case shall be appointed from the list of the court-appointed stenographers by the Chairman of the Board of Viewers appointed to the case.

(e) *Compensation of Viewers*

(i) Compensation of Viewers shall be on a case by case basis in an amount fixed by the Court. A Petition for compensation shall be made at the time of filing of the Report of the Board of Viewers by a Petition for Compensation directed to the President Judge. A copy of the Petition for Compensation shall be served upon all parties, or their attorneys of record, at the time the Board transmits a copy of its report to them pursuant to 26 Pa.C.S. § 1-512.

(ii) Compensation approved by the President Judge pursuant to a Petition for Compensation shall be paid to the Viewers.

[Pa.B. Doc. No. 12-1680. Filed for public inspection August 31, 2012, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 6.12B; No. 63-OCD-1996**

**Order**

*And Now*, to wit, this 1st day of August 2012, the Local Rules of Civil Procedure are amended, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, as follows:

1. Local Civil Rule 6.12B is rescinded in its entirety. The Court Administrator of Wayne County shall file or submit certified copies of this Order as follows:

A. One (1) certified copy with the Administrative Office of Pennsylvania Courts;

B. Two (2) copies and a CD ROM to the Legislative Reference Bureau, for publication in the *Pennsylvania Bulletin*;

C. One (1) copy to *The Wayne County Legal Journal*; and

D. One (1) copy shall be kept continuously available for public inspection and copying at the Clerk of Courts Office.

*By the Court*

RAYMOND L. HAMILL,  
*President Judge*

[Pa.B. Doc. No. 12-1681. Filed for public inspection August 31, 2012, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Disbarment**

Notice is hereby given that Jeanne M. Vanim-Botting, having been disbarred from the practice of law in the State of New Hampshire by Order of the Supreme Court of New Hampshire dated October 3, 2011, the Supreme Court of Pennsylvania issued an Order on August 16, 2012, disbaring Jeanne M. Vanim-Botting from the Bar of this Commonwealth, effective September 15, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-1682. Filed for public inspection August 31, 2012, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 17 ]

### Authorization to Verify Identification Number

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1103.1 and 6103 (relating to application for certificate of title; and promulgation of rules and regulations by department), proposes to amend Chapter 17 (relating to authorization to verify identification number) to read as set forth in Annex A.

#### *Purpose of this Chapter*

The purpose of Chapter 17 is to designate those persons who are authorized to verify the vehicle identification number of a vehicle in connection with an application for certificate of title when it is impossible to obtain either a legible tracing or a photograph of the vehicle identification number.

#### *Purpose of the Proposed Amendments*

The purpose of this proposed rulemaking is to clarify and expand the listing of persons who are authorized to verify the vehicle identification number of a vehicle, limit the type of vehicle identification number that persons other than the State Police may verify and provide greater specificity for the vehicle identification number verification process.

#### *Summary of Significant Proposed Amendments*

Proposed amendments to §§ 17.1 and 17.2 (relating to purpose; and applicability) clarify that persons authorized under this chapter may verify the "public" vehicle identification number which is generally readily visible on the dashboard or elsewhere on the vehicle. Section 17.2(3) is proposed to be deleted upon the recommendation of the Pennsylvania Association of Notaries and others affected by this chapter.

Proposed § 17.3(4) (relating to authorized persons) includes authorized employees or agents of the Department to also perform verifications of public vehicle identification numbers. Proposed § 17.4 (relating to verification process) describes the process for verification of the vehicle identification number, including referral to the State Police if the "public" vehicle identification number cannot be verified. Proposed § 17.5 (relating to validation process) provides for validation of the identity of the authorized person performing the verification.

#### *Persons and Entities Affected*

This proposed rulemaking will affect applicants seeking a certificate of title for a vehicle which was last previously titled or registered in another state or country as well as those persons authorized to perform vehicle identification numbers under Chapter 17.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of significant additional funds by the Commonwealth or local municipalities. Minimal additional effort or paperwork will be required to validate the identity of the person performing the verification.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 21, 2012, the Department

submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment.

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking Penni Bernard, Customer Service Division, Department of Transportation, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pbernard@state.pa.us within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for this proposed rulemaking is Penni Bernard, Customer Service Division, Department of Transportation, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pbernard@state.pa.us.

BARRY J. SCHOCH, P.E.,  
*Secretary*

**Fiscal Note:** 18-419. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE II. TITLE

#### CHAPTER 17. AUTHORIZATION TO VERIFY IDENTIFICATION NUMBER

#### § 17.1. Purpose.

The purpose of this chapter is to designate those persons who are authorized to verify the **public** vehicle identification number of a vehicle in connection with an application for certificate of title [ **where** ] **when** it is

impossible to obtain either a legible tracing or a photograph of the vehicle identification number, as required by 75 Pa.C.S. § 1103.1(e) (relating to application for certificate of title).

§ 17.2. **Applicability.**

[ **Verification shall be** ] **Visual verification is** required in the following situations when it is impossible to obtain a **signed and dated** legible tracing or photograph of the **public** vehicle identification number **located on the vehicle**:

(1) When a Pennsylvania resident acquires a new or used vehicle from a nonresident [ **for use in** ] of this Commonwealth.

\* \* \* \* \*

[ **(3) When the application for initial certificate of title is for a truck, truck-tractor, or motor home, regardless of source of ownership.** ]

§ 17.3. **Authorized persons.**

The following persons [ **shall be** ] **are** authorized to inspect and verify [ **that the** ] **a public** vehicle identification number [ **conforms with the description given in the application** ]:

\* \* \* \* \*

(2) A notary public employed by one of the following:

\* \* \* \* \*

(ii) An authorized full agent **or card agent**, as defined in Chapter 43 (relating to temporary registration cards and plates).

(3) If the vehicle is located outside of this Commonwealth one of the following:

\* \* \* \* \*

(iii) An armed forces installation provost marshal or motor officer.

**(4) An authorized Department employee or agent of the Department in the performance of his official duties.**

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

§ 17.4. **Verification process.**

An authorized person can only verify the vehicle identification number when verification is undertaken as part of the performance of his official duties.

(1) The authorized person shall physically check the public vehicle identification number located on the vehicle and determine if the number conforms with the description given in the application.

(2) When the actual number located on the vehicle does not exactly match the number on the application, the authorized person may not sign, indicate or otherwise verify that the number conforms with the description given in the application and shall refer the applicant to the State Police for physical verification of the nonpublic vehicle identification number.

§ 17.5. **Validation process.**

The verification of the public vehicle identification number shall be signed by the authorized person performing the verification. The signature must be accompanied by:

(1) The printed name of the authorized person.

(2) An identification number for the authorized person, such as badge number, notary number, employee number, dealer number, mechanic identification or other identification number.

[Pa.B. Doc. No. 12-1683. Filed for public inspection August 31, 2012, 9:00 a.m.]

# INSURANCE DEPARTMENT

[ 31 PA. CODE CH. 163 ]

## Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers

The Insurance Department (Department) proposes to amend Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and sections 319—319.2 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 442—442.2).

*Purpose*

The purpose of this proposed rulemaking is to update Chapter 163 in accordance with amendments made to section 319.1 of the act by the act of July 5, 2012 (P. L. 1111, No. 136) (Act 136), which grants the Insurance Commissioner the authority to “certify” reinsurers so that ceding insurers may receive credit for reinsurance ceded to duly certified reinsurers. These amendments are proposed in conjunction with proposed amendments to Chapter 161 (relating to requirements for qualified reinsurers). Specifically, Chapter 163 is proposed to be amended to clarify that the requirements of Chapter 163 do not apply to assuming reinsurers that have been duly certified by the Commissioner as permitted by Act 136.

*Explanation of Proposed Amendments*

Section 163.1 (relating to definitions) is proposed to be amended to clarify that the definition of “unlicensed, unqualified reinsurer” does not include an assuming insurer who is certified by the Commissioner under section 319.1(a) of the act.

*External Comments*

The Department circulated pre-exposure drafts of the proposed rulemaking to the Insurance Federation of Pennsylvania, Inc. and the Pennsylvania Association of Mutual Insurance Companies.

*Affected Parties*

This proposed rulemaking will apply to insurance companies domiciled in this Commonwealth and the reinsurers with whom they do business.

*Fiscal Impact*

*State government.* The proposed rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this proposed rulemaking.

*General public.* While Chapter 163 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that allowing reduced collateral for reinsurers that are financially solvent and

licensed in well-regulated jurisdictions will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

*Political subdivisions.* This proposed rulemaking will not impose additional costs on political subdivisions.

*Private sector.* This proposed rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

*Paperwork*

This proposed rulemaking will not impose additional paperwork on the Department.

*Effective Date*

This proposed rulemaking will become effective within 30 days after final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@pa.gov within 30 days following the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. 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.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

*(Editor’s Note:* See 42 Pa.B. 5629 (September 1, 2012) for a proposed rulemaking by the Department relating to this proposed rulemaking.)

**Fiscal Note:** 11-250. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 163. REQUIREMENTS FOR FUNDS HELD AS SECURITY FOR THE PAYMENT OF OBLIGATIONS OF UNLICENSED, UNQUALIFIED REINSURERS**

**§ 163.1. Definitions.**

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

\* \* \* \* \*

*Unlicensed, unqualified reinsurer*—An assuming insurer which is neither:

\* \* \* \* \*

(ii) Included on a list of qualified **or certified** reinsurers published and periodically reviewed by the Commissioner under section 319.1(a) of the act (40 P. S. § 442.1(a)).

[Pa.B. Doc. No. 12-1684. Filed for public inspection August 31, 2012, 9:00 a.m.]

**[ 31 PA. CODE CH. 161 ]**

**Requirements for Qualified and Certified Reinsurers**

The Insurance Department (Department) proposes to amend Chapter 161 (relating to requirements for qualified and certified reinsurers) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), regarding credits for reinsurance.

*Purpose*

Chapter 161 sets forth requirements to be met for a licensed ceding insurer to receive credit for reinsurance in its financial statements. The purpose of this proposed rulemaking is to update Chapter 161 in accordance with amendments made to section 319.1 of the act by the act of July 5, 2012 (P. L. 1111, No. 136) (Act 136), which grants the Insurance Commissioner (Commissioner) the authority to “certify” reinsurers so that ceding insurers may receive credit for reinsurance ceded to duly certified reinsurers. These amendments are proposed in conjunction with proposed amendments to Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers).

The proposed amendments to Chapter 161 are based upon recent amendments to model law and regulation developed by the National Association of Insurance Commissioners (NAIC) entitled “Credit for Reinsurance Model Law” (No. 785) and “Credit for Reinsurance Model Regulation” (No. 786), respectively. This proposed rulemaking is part of the financial regulation standards the Department must meet to maintain its accreditation by the NAIC. Thus, if a jurisdiction opts to certify reinsurers, as the Commonwealth has done with the enactment of Act 136, the standards by which it does so must be substantially similar to NAIC requirements for the jurisdiction to maintain NAIC accreditation.



A copy of the copyrighted NAIC model regulation was provided to the legislative standing committees, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Attorney General to assist in the analysis of this proposed rulemaking. Copies of NAIC model regulations are available to the general public by contacting the NAIC.

#### *Explanation of Proposed Amendments*

The heading of Chapter 161 is proposed to be amended to "requirements for qualified and certified reinsurers" to properly reflect the scope of the regulations.

Section 161.1 (relating to purpose) is proposed to be amended to include a reference to certified reinsurers, to reflect the proposed rescission of § 161.8 (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States) and to correct the reference to section 319.1 of the act.

Section 161.2 (relating to definitions) is proposed to be amended to delete the definition of "unauthorized alien assuming insurer" in accordance with the proposed rescission of § 161.8.

Section 161.3 (relating to credit for reinsurance) is proposed to be amended to: modify the requirements for an assuming foreign insurer to be considered for qualification; authorize a reduction in required trusteed surplus for a qualified alien reinsurer after a risk assessment if an assuming reinsurer has permanently discontinued underwriting new business for at least 3 calendar years; make editorial changes to paragraph (3)(vii)(B); add a provision indicating that credit will be allowed when reinsurance is ceded to certified reinsurers; and clarify that credit is allowed under section 319.1(b) of the act if it does not exceed the liabilities carried by the ceding insurer.

Section 161.3a (relating to requirements for certified reinsurers) is proposed to be added to: set forth the standards for assuming insurers to be eligible for certification as a certified reinsurer; provide for additional requirements for an association, including incorporated and individual unincorporated insurers to be a certified reinsurer; give the Commissioner discretion to defer to the reinsurer's certification by an NAIC accredited jurisdiction; allow a certified reinsurer to request to maintain its certification in inactive status if it ceases to assume new business; and set forth the Department's procedure for giving notice of and granting certified status to assuming reinsurers.

Proposed § 161.3b (relating to calculation of credit for reinsurance regarding obligations secured with certified reinsurers) outlines the standards that shall be met for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer. Specifically, this section would: provide for the requirements for maintaining security in a form acceptable to the Commissioner and provide additional requirements for security maintained in a multibeneficiary trust; specify the requirements for calculation of the allowable credit; and provide that the Commissioner will reduce the allowable credit by an amount proportionate to a deficiency if the security is found to be insufficient and has the discretion to impose further reductions or adjustments upon a finding of material risk or if the Commissioner finds that the reinsurer is not promptly paying claims. Additionally, this section contains a provision that clarifies that parties may agree to provisions establishing security requirements in excess of the minimum requirements required by regulation.

Proposed § 161.3c (relating to concentration risk) requires domestic ceding insurers to notify the Commissioner within 30 days if reinsurance recoverables from a single assuming insurer, or group of affiliated assuming insurers, exceed 50% of surplus or upon a determination that it is likely to exceed that limit. This section would also require a ceding insurer to take steps to diversify its reinsurance program, requiring notification to the Commissioner within 30 days of ceding more than 20% of the ceding insurer's gross written premium or upon a determination that it is likely to exceed this limit.

Proposed amendments to § 161.6 (relating to revocation of reinsurer qualification or certification) include provisions regarding the procedure for revoking a certified reinsurer's certification and to require an assuming insurer to post security for a ceding insurer to continue to take credit for reinsurance.

Proposed amendments to § 161.7 (relating to credit for joint underwriting or pooling arrangements) allow domestic ceding insurers to request specific approval from the Commissioner to take reserve credit for reinsurance ceded in a joint underwriting or joint reinsurance pooling arrangement that involves insurers who are not certified reinsurers.

Section § 161.8 is proposed to be rescinded. The requirements in this section, which provide conditions under which partial credit for reinsurance with alien reinsurers may be taken without full collateralization, were superseded by the Act 136 amendments to section 319.1 of the act.

Proposed § 161.8a (relating to reinsurance contracts) requires that a reinsurance agreement contain a proper insolvency clause, a reinsurance intermediary clause (if applicable) and a mandatory funding clause.

#### *External Comments*

The Department circulated pre-exposure drafts of the proposed rulemaking to the Insurance Federation of Pennsylvania, Inc. and the Pennsylvania Association of Mutual Insurance Companies.

#### *Affected Parties*

This proposed rulemaking will apply to insurance companies domesticated in this Commonwealth and the reinsurers with whom they do business.

#### *Fiscal Impact*

*State government.* The proposed rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this proposed rulemaking.

*General public.* While Chapter 163 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that allowing reduced collateral for reinsurers that are financially solvent and licensed in well-regulated jurisdictions will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

*Political subdivisions.* This proposed rulemaking will not impose additional costs on political subdivisions.

*Private sector.* This proposed rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

#### *Paperwork*

This proposed rulemaking will not impose additional paperwork on the Department.

*Effective Date*

This proposed rulemaking will become effective within 30 days after final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@pa.gov within 30 days following the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. 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.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

*(Editor's Note: See 42 Pa.B. 5628 (September 1, 2012) for a proposed rulemaking by the Department relating to this proposed rulemaking.)*

**Fiscal Note:** 11-249. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 161. REQUIREMENTS FOR QUALIFIED AND CERTIFIED REINSURERS**

**§ 161.1. Purpose.**

(a) This chapter sets forth requirements to be met for a licensed ceding insurer to receive credit for reinsurance in its financial statements. This chapter specifies the conditions which shall be met by an unlicensed reinsurer to be considered by the Commissioner for inclusion on a list of qualified **or certified** reinsurers published and periodically reviewed by the Commissioner, as well as, the

requirements for receiving reinsurance credit for joint underwriting or joint reinsurance pooling arrangements **[ and for reinsurance with alien nonaffiliated reinsurers which write no primary coverages in the United States ]**.

(b) This chapter does not apply to reinsurance agreements between or among affiliates which meet the conditions for exemption in section 319.2 of the act (40 P. S. § 442.2) or to the ability of licensed ceding insurers to receive credit for reinsurance by compliance with the conditions specified in 319.1(b) of the act (40 P. S. § 442.1**(b)**).

**§ 161.2. Definitions.**

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

\* \* \* \* \*

**[ Unauthorized alien assuming insurer—An insurer which meets the criteria in § 161.8(a) (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States). ]**

**§ 161.3. Credit for reinsurance.**

A licensed domestic ceding insurer will be allowed credit for reinsurance as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of this section or as otherwise provided in §[ § ] 161.7 **[ and 161.8 ]** (relating to credit for joint underwriting or pooling arrangements**[ ; and credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States ]**).

\* \* \* \* \*

(2) Credit will be allowed when the reinsurance is ceded to an assuming foreign insurer which has met the conditions specified in this paragraph and has been deemed to be a qualified reinsurer by the Commissioner. To be considered for qualification, an assuming foreign insurer shall meet the following conditions. The insurer shall:

\* \* \* \* \*

(v) **[ Maintain a surplus as regards policyholders in an amount which is not less than \$20 million. ] Demonstrate to the satisfaction of the Commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than \$20 million and its qualification has not been denied by the Commissioner within 90 days after submission of its application.**

**[ (vi) Cede no more than 50% of its premiums to assuming insurers that are neither licensed nor qualified reinsurers in this Commonwealth. ]**

(3) Credit will be allowed when the reinsurance is ceded to an assuming alien insurer which has met the conditions specified in this paragraph and has been deemed to be a qualified reinsurer by the Commissioner. To be considered for qualification, an assuming alien insurer shall meet the following conditions. The insurer shall:

\* \* \* \* \*

(vii) Maintain a trust fund in a qualified United States financial institution, for the payment of valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest.

(A) In the case of a single assuming insurer, the trust shall consist of a trustee account in an amount not less than the assuming insurer's liabilities attributable to business directly written or assumed in the United States. In addition, the assuming insurer shall maintain a trustee surplus of at least \$20 million **except as provided in this clause. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least 3 calendar years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and will consider material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.**

(B) In the case of a group of insurers which includes **incorporated and** unincorporated individual insurers, the trust shall consist of a trustee account not less than the **[ group's aggregate ] respective insurers' several** liabilities attributable to business directly written or assumed in the United States. In addition, the group shall maintain a trustee surplus of which \$100 million shall be held jointly for the benefit of United States ceding insurers of any **[ member ] insurer** of the group. The group shall make available to the Commissioner an annual certification of the solvency of each insurer by the group's domiciliary regulator and its independent public accountants.

\* \* \* \* \*

**(5) Credit will be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the Commissioner as a reinsurer in this Commonwealth in accordance with § 161.3a (relating to requirements for certified reinsurers) and secures its obligations in accordance with § 161.3b (relating to calculation of credit for reinsurance regarding obligations secured with certified reinsurers).**

**(6) Credit will be allowed when the reinsurance is ceded to an assuming insurer that is not a qualified reinsurer in an amount not exceeding the liabilities carried by the ceding insurer in accordance with section 319.1(b) of the act (40 P.S. § 442.1(b)).**

*(Editor's Note: Sections 161.3a—161.3c are new and printed in regular type to enhance readability.)*

### § 161.3a. Requirements for certified reinsurers.

(a) *Certification as a certified reinsurer.* To be eligible for certification as a certified reinsurer, the assuming insurer shall meet the following requirements:

(1) The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction.

(i) In accordance with reporting and notification requirements that may be established by the NAIC, the Commissioner will create a list of qualified jurisdictions, which will be published annually in the *Pennsylvania Bulletin*.

(ii) United States jurisdictions that meet the requirements for accreditation under the NAIC financial standards and accreditation program will be recognized as qualified jurisdictions.

(iii) To determine whether the domiciliary jurisdiction of an alien assuming insurer is eligible to be recognized as a qualified jurisdiction, the Commissioner will evaluate:

(A) The appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, initially and on an ongoing basis.

(B) The rights, benefits and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States.

(C) Whether the jurisdiction is a qualified jurisdiction as determined by the NAIC through the committee process. If the Commissioner approves a jurisdiction as qualified that does not appear on the NAIC's list of qualified jurisdictions, the Commissioner will provide thoroughly documented justification of reasons.

(D) The framework under which the assuming insurer is regulated.

(E) The structure and authority of the domiciliary regulator with regard to solvency regulation requirements and financial surveillance.

(F) The substance of financial and operating standards for assuming insurers in the domiciliary jurisdiction.

(G) The form and substance of financial reports required to be filed or made publicly available by reinsurers in the domiciliary jurisdiction and the accounting principles used.

(H) The domiciliary regulator's willingness to cooperate with United States regulators in general and the Commissioner in particular.

(I) The history of performance by assuming insurers in the domiciliary jurisdiction.

(J) Any relevant international standards or guidance with respect to mutual recognition of reinsurance supervision adopted by the International Association of Insurance Supervisors or successor organization.

(iv) A domiciliary jurisdiction of an alien assuming insurer is not eligible to be recognized as a qualified jurisdiction unless:

(A) The jurisdiction has agreed to share information and cooperate with the Commissioner with respect to certified reinsurers domiciled within that jurisdiction.

(B) The jurisdiction adequately and promptly enforces final United States judgments and arbitration awards.



(v) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the Commissioner may withdraw recognition of that jurisdiction.

(2) The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined acceptable by the Commissioner in accordance with the following standards:

(i) The assuming insurer must maintain capital and surplus, or its equivalent, of at least \$250 million calculated in accordance with subparagraph (ii). This requirement may also be satisfied by an association including incorporated and individual unincorporated underwriters having minimum capital and surplus equivalents (net of liabilities) of at least \$250 million and a central fund containing a balance of at least \$250 million.

(ii) Certified reinsurers not domiciled in the United States shall file with the Commissioner audited financial statements (audited United States Generally Accepted Accounting Principles (GAAP) basis if available, audited International Financial Reporting Standards (IFRS) basis statements are allowed but must include an audited footnote reconciling equity and net income to a United States GAAP basis or, with the permission of the state insurance commissioner, audited IFRS statements with reconciliation to United States GAAP certified by an officer of the company), regulatory filings and actuarial opinion (as filed with the non-United States jurisdiction supervisor). Upon the initial application for certification, the Commissioner will consider audited financial statements for the last 3 years filed with its non-United States jurisdiction supervisor.

(3) The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the Commissioner in accordance with subparagraph (i) and be rated by the Commissioner in accordance with subparagraph (ii).

(i) *Financial strength ratings.* The financial strength ratings must be based on interactive communication between the rating agency and the assuming insurer and may not be based solely on publicly available information. These ratings will be one factor used by the Commissioner in determining the rating assigned under subparagraph (ii). Acceptable rating agencies include Standard & Poor's, Moody's Investors Service, Fitch Ratings, A.M. Best Company or another Nationally recognized statistical rating organization.

(ii) *Assignment and publication of rating.* The Commissioner will assign a rating to each certified reinsurer and publish a list of certified reinsurers and their ratings annually in the *Pennsylvania Bulletin* in accordance with the following:

(A) Each certified reinsurer will be rated on a legal entity basis, with due consideration being given to the group rating when appropriate, except that an association including incorporated and individual unincorporated insurers that have been approved to do business as a single certified reinsurer may be evaluated on the basis of its group rating.

(B) Factors that may be considered as part of the evaluation process include the following:

(I) The certified reinsurer's financial strength rating from an acceptable rating agency. The maximum rating that a certified reinsurer may be assigned will correspond to its financial strength rating as outlined in the following table. The Commissioner will use the lowest financial strength rating received from an approved rating agency in establishing the maximum rating of a certified reinsurer. A failure to obtain or maintain at least two financial strength ratings from acceptable rating agencies will result in loss of eligibility for certification.

<i>Ratings</i>	<i>Best</i>	<i>S&amp;P</i>	<i>Moody's</i>	<i>Fitch</i>
Secure—1	A++	AAA	Aaa	AAA
Secure—2	A+	AA+, AA, AA-	Aa1, Aa2, Aa3	AA+, AA, AA-
Secure—3	A	A+, A	A1, A2	A+, A
Secure—4	A-	A-	A3	A-
Secure—5	B++, B+	BBB+, BBB, BBB-	Baa1, Baa2, Baa3	BBB+, BBB, BBB-
Vulnerable—6	B, B-C++, C+, C, C-, D, E, F	BB+, BB, BB-, B+, B, B-, CCC, CC, C, D, R	Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C	BB+, BB, BB-, B+, B, B-, CCC+, CC, CCC-, DD

(II) The business practices of the certified reinsurer in dealing with its ceding insurers, including its record of compliance with reinsurance contractual terms and obligations.

(III) For certified reinsurers domiciled in the United States, a review of the most recent applicable NAIC Annual Statement Blank, either Schedule F (for property/casualty reinsurers) or Schedule S (for life and health reinsurers).

(IV) For certified reinsurers not domiciled in the United States, a review annually of Form CR-F (for property/casualty reinsurers) or Form CR-S (for life and health reinsurers) as developed by the NAIC.

(V) The reputation of the certified reinsurer for prompt payment of claims under reinsurance agreements, based on an analysis of ceding insurers' Schedule F reporting of

overdue reinsurance recoverables, including the proportion of obligations that are more than 90 days past due or are in dispute, with specific attention given to obligations payable to companies that are in administrative supervision or receivership.

(VI) Regulatory actions against the certified reinsurer.

(VII) The report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in subclause (VIII).

(VIII) For certified reinsurers not domiciled in the United States, audited financial statements (audited United States GAAP basis if available, audited IFRS basis statements are allowed but must include an audited footnote reconciling equity and net income to a United States GAAP basis or, with the permission of the state insurance commissioner, audited IFRS statements with



reconciliation to United States GAAP certified by an officer of the company), regulatory filings and actuarial opinion (as filed with the non-United States jurisdiction supervisor). Upon the initial application for certification, the Commissioner will consider audited financial statements for the last 3 years filed with its non-United States jurisdiction supervisor.

(IX) The liquidation priority of obligations to a ceding insurer in the certified reinsurer's domiciliary jurisdiction in the context of an insolvency proceeding.

(X) A certified reinsurer's participation in a solvent scheme of arrangement, or similar procedure, which involves United States ceding insurers. The Commissioner shall receive prior notice from a certified reinsurer that proposes participation by the certified reinsurer in a solvent scheme of arrangement.

(iii) *Change in rating or revocation of certification.*

(A) In the case of a downgrade by a rating agency or other disqualifying circumstance, the Commissioner will upon written notice assign a new rating to the certified reinsurer in accordance with subparagraph (ii)(B).

(B) The Commissioner has the authority to suspend, revoke or otherwise modify a certified reinsurer's certification in accordance with the procedures in § 161.6 (relating to revocation of reinsurer qualification or certification) at any time if the certified reinsurer fails to meet its obligations or security requirements under this section, or if other financial or operating results of the certified reinsurer, or documented significant delays in payment by the certified reinsurer, lead the Commissioner to reconsider the certified reinsurer's ability or willingness to meet its contractual obligations.

(C) If the rating of a certified reinsurer is upgraded by the Commissioner, the certified reinsurer may meet the security requirements applicable to its new rating on a prospective basis, but the Commissioner will require the certified reinsurer to post security under the previously applicable security requirements as to the contracts in force on or before the effective date of the upgraded rating. If the rating of a certified reinsurer is downgraded by the Commissioner, the Commissioner will require the certified reinsurer to meet the security requirements applicable to its new rating for all business it has assumed as a certified reinsurer.

(4) The assuming insurer shall agree to submit to the jurisdiction of the Commonwealth, appoint the Commissioner as its agent for service of process in this Commonwealth and agree to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment. The assuming insurer shall submit a properly executed Form CR-1 as evidence of its submission to the jurisdiction of the Commonwealth, appointment of the Commissioner as an agent for service of process in this Commonwealth and agreement to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment. The Commissioner will not certify an assuming insurer that is domiciled in a jurisdiction that the Commissioner has determined does not adequately and promptly enforce final United States judgments or arbitration awards.

(5) The assuming insurer shall agree to meet applicable information filing requirements both with respect to an initial application for certification and on an ongoing basis. Information submitted by certified reinsurers that

is not otherwise public information subject to disclosure is confidential and privileged and is not subject to subpoena, discovery, the Right-to-Know Law (65 P.S. §§ 67.101—67.3104) or admissible in evidence in any private civil action. The applicable information filing requirements are as follows:

(i) Notification within 10 days of regulatory actions taken against the certified reinsurer, a change in the provisions of its domiciliary license or a change in rating by an approved rating agency, including a statement describing the changes and the reasons.

(ii) Annual submission of Form CR-F or CR-S, as applicable per NAIC instructions.

(iii) Annual submission of the report of the independent auditor on the financial statements of the insurance enterprise on the basis described in subparagraph (iv).

(iv) Annual submission of audited financial statements (audited United States GAAP basis if available, audited IFRS basis statements are allowed but must include an audited footnote reconciling equity and net income to a United States GAAP basis or, with the permission of the state insurance commissioner, audited IFRS statements with reconciliation to United States GAAP certified by an officer of the company), regulatory filings and actuarial opinion (as filed with the certified reinsurer's supervisor). Upon the initial certification, audited financial statements for the last 3 years filed with the certified reinsurer's supervisor.

(v) At least annually, filing of an updated list of disputed and overdue reinsurance claims regarding reinsurance assumed from United States domestic ceding insurers.

(vi) A certification from the certified reinsurer's domestic regulator that the certified reinsurer is in good standing and maintains capital in excess of the jurisdiction's highest regulatory action level.

(b) *Certification of an association as a certified reinsurer.* In addition to meeting the requirements of subsection (a), an association, including incorporated and individual unincorporated insurers, may be a certified reinsurer if it satisfies the following additional requirements:

(1) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which includes a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the Commissioner to provide adequate protection.

(2) The incorporated members of the association may not be engaged in business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members.

(3) Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the Commissioner an annual certification by the association's domiciliary regulator of the solvency of each insurer member or, if a certification is unavailable, financial statements, prepared by independent public accountants, of each insurer member of the association.

(c) *Deferment of certification.* If an applicant for certification has been certified as a reinsurer in an NAIC

accredited jurisdiction, the Commissioner has the discretion to defer to that jurisdiction's certification and to defer to the rating assigned by that jurisdiction. The assuming insurer will be considered to be a certified reinsurer in this Commonwealth in accordance with the following:

(1) The assuming insurer shall submit a properly executed Form CR-1 to the Commissioner.

(2) A change in the certified reinsurer's status or rating in the other jurisdiction applies automatically in this Commonwealth as of the date it takes effect in the other jurisdiction. The certified reinsurer shall notify the Commissioner of a change in its status or rating within 10 days after receiving notice of the change.

(3) The Commissioner may withdraw recognition of the other jurisdiction's rating at any time and assign a new rating in accordance with subsection (a)(3)(ii).

(4) The Commissioner may withdraw recognition of the other jurisdiction's certification at any time with written notice to the certified reinsurer. Unless the Commissioner revokes the certified reinsurer's certification in accordance with § 161.6, the certified reinsurer's certification will remain in good standing in this Commonwealth for 3 months, which will be extended if additional time is necessary to consider the assuming insurer's application for certification in this Commonwealth.

(d) *Inactive status certification.* A certified reinsurer that ceases to assume new business in this Commonwealth may request to maintain its certification in inactive status to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with the applicable requirements of this section and the Commissioner will assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(e) *Certification procedure.*

(1) The Department will post notice of an application for certification in the *Pennsylvania Bulletin* promptly upon receipt and will include instructions on how members of the public may respond to the application. The Commissioner will not take final action on the application until at least 30 days after posting the notice in the *Pennsylvania Bulletin*.

(2) If the Department is satisfied that an assuming insurer has met the conditions for certification and determines to designate the assuming insurer as a certified reinsurer, the Department will issue written notice of the designation to the assuming insurer. The rating assigned the certified reinsurer in accordance with subsection (a)(3)(ii) will be included in the notice.

**§ 161.3b. Calculation of credit for reinsurance regarding obligations secured with certified reinsurers.**

(a) For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commissioner and consistent with section 319.1(b) of the act (40 P. S. § 442.1(b)) or in a multibeneficiary trust in accordance with § 161.3(3)(vii)(B) (relating to credit for reinsurance) except that:

(1) If a certified reinsurer maintains a trust to fully secure its obligations subject to § 161.3(3)(vii) and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the

certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions and for its obligations subject to § 161.3(3)(vii)(B). It shall be a condition to the grant of certification under this subsection that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the chief regulatory official with principal regulatory oversight of each trust account, to fund, upon termination of a trust account, out of the remaining surplus of the trust any deficiency of another trust account.

(2) The minimum trustee surplus requirements provided in § 161.3(3)(vii) are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that the trust must maintain a minimum trustee surplus of \$10 million.

(b) The allowable credit allowed a ceding insurer must be based upon the security held by or on behalf of the ceding insurer and shall be calculated in accordance with the following requirements:

(1) For full credit to be allowed, the amount of security must correspond with the rating assigned by the Commissioner to the certified reinsurer under § 161.3a(a)(3) (relating to requirements for certified reinsurers) as follows:

<i>Rating</i>	<i>Security required</i>
Secure—1	0%
Secure—2	10%
Secure—3	20%
Secure—4	50%
Secure—5	75%
Vulnerable—6	100%

(2) Affiliated reinsurance transactions will receive the same opportunity for reduced security requirements as other reinsurance transactions.

(3) The Commissioner will require the certified reinsurer to post 100% for the benefit of the ceding insurer or its estate, security upon the entry of an order of rehabilitation, liquidation or conservation against the ceding insurer.

(4) To facilitate the prompt payment of claims, a certified reinsurer will not be required to post security for catastrophe recoverables for 1 year from the date of the first instance of a liability reserve entry by the ceding company as a result of a loss from a catastrophic occurrence as recognized by the Commissioner. The 1-year deferral period is contingent upon the certified reinsurer continuing to pay claims in a timely manner in compliance with its contractual obligations in the reinsurance agreement under which the claims are ceded. Reinsurance recoverables for only the following lines of business as reported on the NAIC annual financial statement related specifically to the catastrophic occurrence will be included in the deferral:

- Line 1:* Fire
- Line 2:* Allied Lines
- Line 3:* Farmowners multiple peril
- Line 4:* Homeowners multiple peril
- Line 5:* Commercial multiple peril

Line 9: Inland Marine

Line 12: Earthquake

Line 21: Auto physical damage

(c) With respect to obligations incurred by a certified reinsurer, if the security is insufficient, the Commissioner will reduce the allowable credit by an amount proportionate to the deficiency and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(d) For purposes of calculating the allowable credit under this section, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100% of its obligations.

(1) As used in this subsection, "terminated" refers to revocation, suspension, voluntary surrender and inactive status.

(2) If the Commissioner continues to assign a higher rating as permitted by this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(e) Based on the analysis conducted under § 161.3a(a)(3)(ii)(B)(V) of a certified reinsurer's reputation for prompt payment of claims, the Commissioner may make appropriate adjustments in the security the certified reinsurer is required to post to protect its liabilities to United States ceding insurers, provided that the Commissioner will, at a minimum, increase the security the certified reinsurer is required to post by one rating level under § 161.3a(b)(1) if the Commissioner finds either of the following:

(1) More than 15% of the certified reinsurer's ceding insurance clients have overdue reinsurance recoverables on paid losses of 90 days or more which are not in dispute and which exceed \$100,000 for each cedent.

(2) The aggregate amount of reinsurance recoverables on paid losses not in dispute that are overdue by 90 days or more exceeds \$50 million.

(f) This section does not prohibit the parties to a reinsurance agreement from agreeing to provisions establishing security requirements that exceed the minimum security requirements under this section or under § 161.8a (relating to reinsurance contracts).

**§ 161.3c. Concentration risk.**

(a) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the Commissioner within 30 days after reinsurance recoverables from a single assuming insurer, or group of affiliated assuming insurers, exceed 50% of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from a single assuming insurer or group of affiliated assuming insurers is likely to exceed this limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the Commissioner within 30 days after ceding to a single assuming insurer, or group of affiliated assuming insurers, more than 20% of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to a single

assuming insurer, or group of affiliated assuming insurers is likely to exceed this limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

**§ 161.6. Revocation of reinsurer qualification or certification.**

(a) If the Department determines that a [ qualified ] reinsurer has failed to continue to meet one or more of the conditions for qualification or certification, the Commissioner may upon written notice and hearing revoke its qualification or certification and remove it from the published list of qualified or certified reinsurers.

(b) If an assuming insurer's qualification has been revoked by the Commissioner after notice, a ceding insurer shall be allowed to continue to take credit for reinsurance ceded to the assuming insurer until the end of the contract year or 1 year from the date of the revocation, whichever time is less, but in no event less than 6 months. **If an assuming insurer's certification has been revoked by the Commissioner, the assuming insurer shall post security in accordance with section 319.1(b) of the act (40 P. S. § 442.1(b)) for the ceding insurer to continue to take credit for reinsurance ceded to the assuming insurer. If funds continue to be held in trust in accordance with § 161.4 (relating to trust fund requirements) the Commissioner may allow additional credit equal to the ceding insurer's pro rata share of the funds, discounted to reflect the risk of uncollectability and anticipated expenses of trust administration. Notwithstanding the change of a certified reinsurer's rating or revocation of its certification, a domestic insurer that has ceded reinsurance to that certified reinsurer may not be denied credit for reinsurance for 3 months for reinsurance ceded to that certified reinsurer, unless the reinsurance is found by the Commissioner to be at high risk of uncollectability.**

(c) If a modification, amendment or revision to an existing reinsurance agreement, which increases the risk reinsured, takes place after an assuming insurer's qualification or certification has been revoked, credit will not be allowed a ceding insurer for additional risks ceded after the date and directly resulting from the modification, amendment or revision.

\* \* \* \* \*

**§ 161.7. Credit for joint underwriting or pooling arrangements.**

(a) Domestic ceding insurers which are participating in a joint underwriting or joint reinsurance pooling arrangement, in which the insurers participating in the arrangement are not qualified or certified reinsurers, may request specific approval by the Commissioner to take reserve credit for reinsurance ceded under those arrangements.

\* \* \* \* \*

**§ 161.8. [ Credit for reinsurance ceded to alien non-affiliated insurers which write no primary coverages in the United States ] (Reserved).**

[ (a) This section applies to reinsurance ceded by a domestic ceding insurer to an alien nonaffiliated assuming insurer which:

(1) Writes no primary coverages in the United States and thereby is not eligible for consideration



for inclusion on the Non-Admitted Insurers Listing published by the Non-Admitted Insurers Information Office of the NAIC, or a successor list.

(2) Has not provided security in full for the ceded recoverables under section 318.1(b) of the act (40 P. S. § 442.1).

(3) Is authorized in its domiciliary jurisdiction to assume the kinds of insurance ceded thereto.

(b) When a domestic ceding insurer cedes reinsurance to an alien nonaffiliated assuming insurer which meets the criteria in subsection (a), referred to in this section as an "unauthorized alien assuming insurer," credit will be allowed for the amount of unsecured ceded reinsurance recoverables by a deduction from liability, not to exceed in the aggregate 10% of the ceding insurer's policyholders surplus, only when the following conditions are met:

(1) The ceding insurer establishes an unauthorized reinsurance reserve which is a percentage of the unsecured ceded reinsurance recoverable from the unauthorized alien assuming insurers for which credit for reinsurance is taken as permitted in this section. The percentage shall be equal to the greatest of one of the following:

(i) The largest percentage of uncollectible ceded unauthorized reinsurance experienced by the ceding insurer during any one of the last 5 full calendar years, as measured by dividing the amount of reinsurance recoverables due and payable to the ceding insurer for that calendar year from the unauthorized alien assuming insurers, over 90 days past due and not in dispute, by the amount of reinsurance recoverables due and payable to the ceding insurer and actually collected by the ceding insurer for that same calendar year from unauthorized alien assuming insurers.

(ii) The largest percentage of unearned premiums ceded by the ceding insurer to any one unauthorized alien assuming insurer as measured at the end of the last previous calendar year by dividing the amount of the calendar year-end unearned premium reserve ceded to each unauthorized alien assuming insurer by the total amount of the unearned premium reserve ceded to unauthorized alien assuming insurers.

(iii) Fifteen percent.

(2) The unauthorized alien assuming insurer provides to and maintains authorized security with the ceding insurer for ceded reinsurance recoverables under section 319.1(b) of the act (40 P. S. § 442.1(b)) in an amount at least equal to 110% of the unearned premium and known case outstanding reserves for loss and allocated loss adjustment expense ceded to the unauthorized alien assuming insurer by the ceding insurer.

(3) The unauthorized alien assuming insurer maintains adjusted shareholder funds of at least \$20 million.

(4) The unauthorized alien assuming insurer maintains an acceptable level of premium writing in relation to its adjusted shareholder funds that does not exceed a net written premium to adjusted shareholder funds ratio of 3:1.

(5) The unauthorized alien assuming insurer is included in the Insurance Solvency International (ISI) classic database and does not fail more than four of the nine ISI tests.

(6) The ceding insurer limits the maximum amount of liability for loss with respect to any one risk ceded to any one unauthorized alien assuming insurer to 10% of the unauthorized alien assuming insurer's adjusted shareholder funds and limits the aggregate premium cession to the assuming insurer to 20% of the unauthorized alien assuming insurer's adjusted shareholder funds.

(7) The reinsurance agreements between the unauthorized alien assuming insurer and the ceding insurer contain:

(i) An agreement by the unauthorized alien assuming insurer that, in the event of the failure of the unauthorized alien assuming insurer to perform its obligations under the terms of the reinsurance agreement, the unauthorized alien assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in a state in the United States, comply with requirements necessary to give that court jurisdiction and abide by the final decision of that court or of an appellate court in the event of an appeal. The provision does not override an agreement between the ceding insurer and the unauthorized alien assuming reinsurer to arbitrate.

(ii) An agreement by the unauthorized alien assuming insurer to designate a person as its true and lawful agent upon whom may be served any lawful process in an action, suit or proceeding instituted by or on behalf of the ceding insurer.

(iii) An insolvency clause as provided for in section 319.1(d) of the act.

(8) The unauthorized alien assuming insurer substantially meets other reasonable standards of solvency as may be established from time to time by the Commissioner.

(9) The credit claimed for reinsurance recoverable under this section is supported by proper and appropriate records maintained by the ceding insurer as to:

(i) The solvency of the unauthorized alien assuming insurer, including ISI reports and test results.

(ii) Documentation necessary to demonstrate for purposes of financial examinations conducted by the Department that the conditions of this section have been met for reserve credit taken under this section.

(10) The ceding insurer files with the Department annually within 30 days of the filing by the ceding insurer of its annual statutory financial statement a ceded reinsurance report, as prescribed by the Commissioner, with respect to the credit for reinsurance taken under this section. The report shall include a certification by the chief financial officer of the ceding insurer that the credit for reinsurance meets the requirements of this section.

(11) The ceding insurer promptly provides for the necessary increase in its ceded reserves with respect to applicable reinsurance recoverables—that is, it eliminates the previous credit taken by the ceding insurer under this section for that unautho-

rized alien assuming insurer—and shall give immediate notice to the Department if:

(i) Obligations of an unauthorized alien assuming insurer for which credit for reinsurance was taken under this section are more than 90 days past due and not in dispute.

(ii) There is material indication or evidence that an unauthorized alien assuming insurer for which credit for reinsurance was taken under this section is failing to meet the standards in this section.

(c) For purposes of subsection (b)(11)(i), a claim in dispute is one in which one of the following applies:

(1) The ceding insurer or unauthorized alien assuming insurer has instituted arbitration or litigation proceedings in good faith over the issue of the recoverability of the loss or allocated loss adjustment expense.

(2) The ceding insurer has received a formal written communication from the unauthorized alien assuming insurer, within a time period specified in the reinsurance agreement, denying the validity of coverage for the loss or allocated loss adjustment expense.

(d) As used in this section, adjusted shareholder funds shall be as reported by ISI or other recognized National rating agency as the Commissioner may, from time to time, approve for purposes of compliance with this section.

(e) Subsection (b)(2)—(5) and (7) do not apply when reinsurance cessions are made by domestic ceding insurers to unauthorized alien assuming insurers of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction. ]

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

**§ 161.8a. Reinsurance contracts.**

A ceding insurer will not be granted a credit or allowed an asset or reduction from liability for reinsurance effected with assuming insurers meeting the requirements of this chapter unless the reinsurance agreement includes the following provisions:

(1) A proper insolvency clause as provided for in section 319.1(d) of the act (40 P. S. § 442.1(d)), which stipulates that reinsurance is payable directly to the liquidator or successor without diminution regardless of the status of the ceding company.

(2) A reinsurance intermediary clause, if applicable, which stipulates that the credit risk for the intermediary is carried by the assuming insurer.

(3) A mandatory funding clause requiring the certified reinsurer to provide and maintain security in an amount sufficient to avoid the imposition of a financial statement penalty on the ceding insurer for reinsurance ceded to the certified reinsurer.

**§ 161.9. Application.**

\* \* \* \* \*

[ (c) Credit for reinsurance will be allowed a foreign licensed ceding insurer as permitted by the laws or regulations of that insurer's state of domicile if the laws or regulations are substantially similar to the NAIC model law relating to credit for reinsurance. In the absence of substantially similar laws or regulations, credit for reinsurance will be allowed under the requirements of this chapter. ]

[Pa.B. Doc. No. 12-1685. Filed for public inspection August 31, 2012, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, September 12, 2012. The hearing will be part of the Commission's regularly scheduled business meeting. The conference session and business meeting both are open to the public and will be held at the Commission's office building located at 25 State Police Drive, West Trenton, NJ.

The morning conference session will begin at 11 a.m. and will include updates by the Commission staff on the Nutrient Strategy for the Delaware Estuary and Implementation of the Basin Plan.

*Items for Public Hearing.* The subjects of the public hearing to be held during the 1:30 p.m. business meeting on September 12, 2012, include draft dockets for the projects described as follows. Draft dockets also will be posted on the Commission's web site at [www.drbc.net](http://www.drbc.net) 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

1. *Mount Holly Municipal Utilities Authority, D-1970-133 CP-4.* An application to renew the approval of an existing discharge from the 6.0 million gallons per day (mgd) Mount Holly MUA wastewater treatment plant (WWTP). The WWTP will continue to discharge treated effluent to the North Branch Rancocas Creek, located in Water Quality Zone 2, at River Mile 111.06—8.64—4.1 (Delaware River—Rancocas Creek—North Branch Rancocas Creek), by means of Outfall No. 1, in Mount Holly Township, Burlington County, NJ.

2. *Middle Smithfield Township, D-1973-209 CP-2.* An application to renew the approval of an existing discharge from the 0.05 mgd Winona Lakes WWTP. The WWTP will continue to discharge treated effluent to Bushkill Creek at River Mile 226.5—5.5 (Delaware River—Bushkill Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Middle Smithfield Township, Monroe County, PA.

3. *Myerstown Borough, D-1974-176 CP-3.* An application to renew the approval of an existing discharge from the 2.0 mgd Myerstown Borough WWTP. The WWTP was previously approved by the Commission by means of Docket No. D-1974-176 CP-2 on February 28, 2007; however, the applicant submitted a docket renewal application after the expiration date of the docket (February 28, 2012). The applicant does not propose any modifications to the existing WWTP. The WWTP will continue to discharge to the Tulpehocken Creek, a tributary to the Schuylkill River, at River Mile 92.47—76.8—34 (Delaware River—Schuylkill River—Tulpehocken Creek), in Jackson Township, Lebanon County, PA.

4. *Chester County Department of Facilities Management, D-1983-015 CP-4.* An application to approve an existing discharge from the Pocopson Home and Prison WWTP. The WWTP was previously approved by the

Commission by means of Docket No. D-1983-015 CP-3 on December 12, 2007; however, the docket holder submitted a docket renewal application after the expiration date of the docket (December 12, 2011). This docket also approves the increase in annual average design flow of the WWTP from 0.13676 mgd to 0.2 mgd that was conditionally approved in the previous docket (D-1983-015 CP-3). The WWTP treats domestic wastewater through the use of a sewage treatment lagoon and spray irrigation. The WWTP will continue to discharge treated effluent to three existing spray irrigation fields located in the Pocopson Creek Watershed, in Pocopson Township, Chester County, PA.

5. *Pennsylvania American Water Company, D-1986-059 CP-3.* An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 6.696 million gallons per month (mgm) to supply the applicant's public water supply system from existing Well No. EP-1 completed in Graphitic Gneiss. The Pennsylvania American Water Company Merlin Hills system serves customers in portions of East Pikeland Township and East Vincent Township. The requested allocation is not an increase from the previous allocation. The well is located in the French Creek Watershed in East Pikeland Township, Chester County, PA.

6. *Panther Creek Power Operating, LLC, D-1987-066-6.* An application for the transfer of ownership and to renew the approval of an existing allocation of up to 69.2 mgm of groundwater from the Lausanne Tunnel mine pool overflow and a subsidiary allocation of up to 37.2 mgm of surface water purchased from Nesquehoning Borough Authority for use at the applicant's 84-megawatt waste coal fired thermal electric Panther Creek Energy Facility. Ownership of the facility was transferred from Panther Creek Partners to Panther Creek Power Operating, LLC on August 2, 2012. No changes to the facility operations or water allocations are proposed. The docket will also include two existing electric transmission line stream crossings that were previously approved by Docket Nos. D-88-46 and D-91-52. The project, including the associated withdrawal, is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Nesquehoning Borough, Carbon County, PA.

7. *Middle Smithfield Township, D-1990-080 CP-3.* An application to renew the approval of an existing discharge from the 1.0 mgd Fernwood WWTP. The WWTP will continue to discharge treated effluent to the Bush Kill at River Mile 226.9—2.3 (Delaware River—Bush Kill) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Middle Smithfield Township, Monroe County, PA.

8. *Ravensclaw Investors LP, D-2001-008-2.* An application to renew the approval of an existing GWD of up to 6.70 mgm to irrigate the Raven's Claw Golf Club from existing Wells Nos. TW-1 and TW-2 completed in the Brunswick Formation. The project is located in the Hartenstine Watershed, in Limerick and Lower Pottsgrove Townships, Montgomery County, PA, within the Southeastern Pennsylvania Groundwater Protected Area.

9. *Little Washington Wastewater Company, D-2006-032 CP-2.* An application to approve the construction and operation of the 0.077 mgd Honeycroft Village WWTP.



The WWTP will apply the treated effluent to a 14-acre spray field located near River Mile 70.7—1.5—20.0—10.1—2.2—8.1 (Delaware River—Christina River—Brandywine Creek—West Branch Brandywine Creek—Buck Run—Doe Run), in Londonderry Township, Chester County, PA.

10. *River Road Utilities, Inc., D-2006-038-2.* An application to renew the approval of an existing discharge from the 0.066 mgd Tuscarora WWTP. The WWTP will continue to discharge treated effluent to Water Quality Zone 1D of the Delaware River at River Mile 204, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Upper Mount Bethel Township, Northampton County, PA.

11. *Pennsylvania American Water Company, D-2008-002 CP-2.* An application to renew the approval of an existing filter backwash discharge from the 0.402 mgd Yardley water filtration plant (WFP). The WFP will continue to discharge to an unnamed tributary of Brock Creek at River Mile 138.0—0.54—1.6 (Delaware River—Buck Creek—Brock Creek) by means of Outfalls Nos. 001 and 002, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Yardley Borough, Bucks County, PA.

12. *Morrisville Municipal Authority, D-2008-006 CP-2.* An application to renew the approval of an existing discharge from the 0.15 mgd WFP. The WFP will continue to discharge to Water Quality Zone 1E of the Delaware River at River Mile 134.6 (Delaware River), within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Lower Makefield Township, Bucks County, PA.

13. *Tuthill Corporation & Aquashicola-Little Gap, Inc., D-2008-023-2.* An application to renew the approval of an existing discharge from the 0.06 mgd Blue Mountain Ski Area WWTP. The WWTP will continue to discharge treated effluent to Aquashicola Creek at River Mile 183.66—36.32—5.73 (Delaware River—Lehigh River—Aquashicola Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Lower Towamensing Township, Carbon County, PA.

14. *Ferro Corporation, D-1968-143-2.* An application to approve a modification to the existing 2.0 mgd Ferro industrial wastewater treatment plant (IWTP). The proposed modification consists of the construction and installation of an outfall pipe extension with multi-port diffuser at the end of the existing IWTP outfall. No other modifications to the IWTP facilities are proposed. This docket also includes the approval of a Total Dissolved Solids (TDS) determination consisting of a maximum instantaneous TDS effluent concentration limit of 30,000 mg/l. The IWTP will continue to discharge to Water Quality Zone 4 of the Delaware River at River Mile 79.0, in Logan Township, Gloucester County, NJ.

15. *Cambridge-Lee Industries, LLC, D-1970-120-2.* An application to approve modifications to the industrial process water discharges associated with Plants Nos. 2—4 of the existing Cambridge-Lee copper tubing manufacturing facility. The applicant proposes to expand operations at Plant No. 4 to include the following: add 11 new cooling towers to the 3 existing cooling towers; add 3 industrial pretreatment processes (water softening, mixed

media filter and reverse osmosis); and reestablish an average discharge of 0.0112 mgd of cooling tower blowdown and industrial wastewater pretreatment system backwash to the Schuylkill River by means of existing Outfall 001. The applicant also proposes to reduce the average discharges to the Schuylkill River from existing Outfall No. 002 from 0.929 mgd to 0.76 mgd. Discharges from Outfall No. 002 include noncontact cooling water and cooling tower blowdown discharge associated with the existing Plant Nos. 2 and 3 industrial process operations. The applicant is also requesting a total dissolved solids determination of 15,200 mg/l for the proposed discharge from existing Outfall No. 001. Plant Nos. 2—4 will continue to send sanitary wastewater, cooling tower blowdown and industrial process wastewater off-site to the Leesport Borough Authority WWTP (by means of the Ontelaunee Township Municipal Authority sanitary sewer system) for treatment and discharge to the Schuylkill River. The onsite project surface water discharges to the Schuylkill River (Outfall Nos. 001 and 002) are located at approximately River Mile 92.5—86.5 (Delaware River—Schuylkill River), in Ontelaunee Township, Berks County, PA.

16. *Warren County—Pequest River Municipal Utilities Authority, D-1971-096 CP-5.* An application for approval of the upgrades to the existing 0.5 mgd Warren County MUA Oxford WWTP. Upgrades to the treatment facilities include replacing the existing conventional activated sludge treatment system with a Ludzack-Ettinger process incorporating mixed media filtration. This docket also continues a TDS determination consisting of an effluent limit of 7,000 pounds per day (lbs/day) from the previous docket approval (D-1971-096 CP-4). The WWTP will continue to discharge treated effluent to the Pequest River at River Mile 197.8—7.2 (Delaware River—Pequest River), within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Oxford Township, Warren County, NJ.

17. *Spring City Borough, D-1974-061 CP-4.* An application to renew the approval of an existing discharge from the 0.6 mgd Borough of Spring City WWTP. Effluent limits for the Department of Environmental Protection and the Commission will continue to be based upon an average annual flow of 0.345 mgd. The applicant has also requested approval to construct a chemical feed facility for phosphorous removal. The existing WWTP will continue to discharge to the Schuylkill River at River Mile 92.47—41.3 (Delaware River—Schuylkill River) by means of Outfall No. 001, in Spring City Borough, Chester County, PA.

18. *Catasauqua Borough, D-1986-032 CP-2.* An application to renew the approval of an existing discharge from the 2.25 mgd Catasauqua WWTP and to approve modifications, including replacement of the disinfection system and parts of the primary digester, as well as the construction of a floodwall. The WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.66—20.2 (Delaware River—Lehigh River) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in the Borough of Catasauqua, Lehigh County, PA.

19. *Antietam Valley Municipal Authority, D-1987-045 CP-4.* An application to rerate the hydraulic design flow of the Antietam Valley Municipal Authority WWTP from 1.225 mgd to 2.45 mgd. No physical modifications to the existing WWTP are proposed. The WWTP will continue to



discharge to an unnamed tributary of the Antietam Creek, a tributary to the Schuylkill River, at River Mile 92.47—66.1—4.4 (Delaware River—Schuylkill River—Antietam Creek), in St. Lawrence Borough, Berks County, PA.

20. *Cinnaminson Sewerage Authority, D-1992-030 CP-2*. An application to renew the approval an existing discharge from the 2.0 mgd Cinnaminson WWTP and to approve upgrades to the WWTP headworks. The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 108.82, in Cinnaminson Township, Burlington County, NJ.

21. *Evonik Degussa Corporation, D-1996-011-3*. An application to approve modifications to the existing Evonik Degussa IWTP. The proposed modifications include: 1) the expansion of the IWTP from 1.15 mgd to 1.8 mgd; 2) adding new treatment facilities and equipment, including a sump, heat exchanger, static mixer with polymer injection, cyclator and neutralization tank; and 3) the construction of a new outfall that will feature a multi-port diffuser. The application also includes a request for a Whole Effluent Toxicity Alternative Mixing Zone and continues a Total Dissolved Solids Determination of a monthly average effluent concentration limit of 30,000 mg/l and daily maximum effluent concentration limit of 32,000 mg/l. The IWTP will continue to discharge treated industrial wastewater effluent to the Delaware River Water Quality Zone 4 at River Mile 82.2 in the City of Chester, Delaware County, PA.

22. *London Grove Township Municipal Authority, D-2008-033 CP-2*. An application to modify the Commission approval of the Conard Pyle WWTP. The Commission Docket No. D-2008-033 CP-1, issued on December 10, 2008, approved the 0.607 mgd lagoon and spray irrigation facility referred to as the Conard Pyle WWTP. The project WWTP is being modified to be reduced in hydraulic capacity to 0.143 mgd. The reduction in hydraulic capacity is a result of a portion of the previously approved spray irrigation facilities being removed from the project and not being constructed. The project is located in London Grove Township, Chester County, PA.

23. *Deb-El Food Products, D-2009-036-2*. An application for approval to construct a 0.05 mgd IWTP that will discharge to the Neversink River at River Mile 253.64—28.7 (Delaware River—Neversink River), within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in the Town of Thompson, Sullivan County, NY.

24. *Reading Alloys, Inc., D-2011-023-1*. An application to approve an existing groundwater and surface water withdrawal (SWWD) to supply up to 0.57 mgm of groundwater to the applicant's manufacturing plant from existing Wells Nos. 3 and 4 and 14.5 mgm of surface water from existing Intake No. 1 for potable water and industrial cooling purposes, respectively. Intake No. 1 withdraws water from an onsite pond. The project is located in the Spring Creek Watershed in Heidelberg and South Heidelberg Townships, Berks County, PA.

25. *Dorney Park and Wildwater Kingdom, D-2012-009-1*. An application for approval of an existing GWD to supply up to 11.89 mgm of water to the applicant's amusement park from existing Wells Nos. 1, 4, 5, 7 and 8 for irrigation, noncontact cooling, water rides and water features. The project wells withdraw water from the Allentown Formation and are located in the Cedar Creek

Watershed, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in South Whitehall Township, Lehigh County, PA. The existing withdrawal was not previously approved by the Commission.

26. *Covanta Plymouth Renewable Energy, LP, D-2012-016 CP-1*. An application to approve the existing Covanta Montgomery County Resource Recovery Facility (MCRRF), which derives energy from waste and to incorporate the facility into the Comprehensive Plan. The application also requests approval of the subsidiary water allocation for the facility of up to 22.73 mgm provided by Aqua Pennsylvania. The water is used for industrial processes, fire suppression and primarily industrial cooling purposes associated with power generation. The Covanta MCRRF is located in Conshohocken Borough, Montgomery County, PA.

27. *Philadelphia Gas Works, D-2012-017 CP-1*. An application for the approval of an existing SWWD of up to 229,648 mgm from the Delaware River at the applicant's Philadelphia Gas Works—Richmond Plant. The water is used for noncontact industrial cooling and fire suppression purposes. The project intake is located approximately 4,500 feet downstream of the Frankford Creek confluence in the tidal portion of the Delaware River in the City of Philadelphia, Philadelphia County, PA.

*Other Agenda Items*. In addition to the public hearings on draft dockets, the agenda for the 1:30 p.m. business meeting includes the standard business meeting items: adoption of the Minutes of the Commission's July 11, 2012, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel and a public dialogue session.

*Opportunities to Comment*. Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or (609) 883-9500, Ext. 224. Written comment on items scheduled for hearing may be submitted in advance of the meeting date to Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax to Commission Secretary, DRBC at (609) 883-9522 or paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the previous address or fax number or william.muszynski@drbc.state.nj.us.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

*Agenda Updates*. Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Check the Commission's web site, www.drbc.net, closer to the meeting date for changes that may be made after the deadline for filing this notice.

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 12-1686. Filed for public inspection August 31, 2012, 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 14, 2012.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-13-2012	S&T Bancorp, Inc. Indiana Indiana County  Application for approval to acquire 100% of Gateway Interim Bank, McMurray, and thereby indirectly acquire 100% of Gateway Bank of Pennsylvania, McMurray.	Effective

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-13-2012	Gateway Interim Bank McMurray Washington County  Merger of Gateway Bank of Pennsylvania, McMurray, with and into Gateway Interim Bank, McMurray, with the resulting name being Gateway Bank.	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-9-2012	Riverview Bank Marysville Perry County	2650 Westview Drive Wyomissing Berks County	Filed
8-10-2012	Clearfield Bank & Trust Company Clearfield Clearfield County	North Woodbury Township Martinsburg Blair County	Filed
8-10-2012	Northwest Savings Bank Warren Warren County	3006 Pleasant Valley Blvd Altoona Blair County	Filed

#### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-2-2012	Citizens Bank of PA Philadelphia Philadelphia County	<i>Into:</i> 435 West Dekalb Pike King of Prussia Montgomery County  <i>From:</i> 338 West Dekalb Pike King of Prussia Montgomery County	Filed

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-7-2012	Lafayette Ambassador Bank Easton Northampton County	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	Amendment to Article II of the institution's Articles of Incorporation provides for the institutions to change their principal place of business from 360 Northampton Street, Easton, PA 18042 to 2005 City Line Road, Bethlehem, PA 18017	
8-14-2012	Noah Bank Elkins Park Philadelphia County	Effective
	Amendment to Article VI of the institution's Articles of Incorporation provides for an increase in the number of authorized shares of common stock from 20 million to 50 million and to authorize the issuance of up to 10 million shares of "blank check" preferred stock.	

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-1687. Filed for public inspection August 31, 2012, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Emergency Solutions Grants Program

The Department of Community and Economic Development (Department), Center for Community Financing, is anticipating receiving funding through the United States Department of Housing and Urban Development (HUD) for the Emergency Solutions Grant. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness, or both.

The Department will accept applications from any general purpose units of local government, including cities, boroughs and townships, towns, counties, home rule municipalities and communities that desire to apply on behalf of other municipalities. Priority will be given to nonentitled jurisdictions. However, the Department will consider funding applications received from all eligible government jurisdictions listed previously. Eligible activities include street outreach, shelter, rapid rehousing and homelessness prevention.

One copy of the application may be submitted to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's Single Application requirements. A hardcopy of the fully executed application must be sent to the Department Customer Service Center at the address listed previously

and a copy also be sent to the appropriate regional office. The application window will open on September 1, 2012, and close at 5 p.m. on September 21, 2012. All applications must be submitted under the Single Application process by that time and hard copies of the application must be postmarked by the same date. Applications received prior to or after these dates may not be considered for funding.

Guidelines and application kit may be obtained by download from the Department's web site at [www.newPA.com](http://www.newPA.com). A hardcopy of the kit may be received by contacting the Department's Center for Community Financing, in Harrisburg at (717) 787-5327 or the Department's regional offices. A copy may also be requested by persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327, to discuss how the Department may best accommodate their needs. The following is the listing of the Department regional offices and the counties they serve:

#### *Regional Offices*

##### **Southeast**

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development  
801 Market Street, Suite 6106  
Philadelphia, PA 19107  
(215) 560-2083

##### **Northeast**

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development  
409 Lackawanna Avenue  
3rd Floor, Oppenheim Building  
Scranton, PA 18503  
(570) 963-4571

**Central**

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120  
(717) 720-7302

**Southwest**

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development  
301 5th Avenue, Suite 250  
Pittsburgh, PA 15222  
(412) 565-5002

**Northwest**

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development  
100 State Street, Suite 205  
Erie, PA 16507  
(814) 871-4241

**Main Office**

Center for Community Financing  
400 North Street, 4th Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
(717) 787-5327

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 12-1688. Filed for public inspection August 31, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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



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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0020940 (Sewage)	Tunkhannock Borough Municipal Authority 201 West Tioga Street Tunkhannock, PA 18657-0317	Wyoming County Tunkhannock Borough	Tunkhannock Creek Cold Water Fishes (4-G)	Y
PA0034070 (Sewage)	Glencrest MHP WWTP 6000 Glencrest Road Slatington, PA 18080	Lehigh County Washington Township	Unnamed Tributary to Coplay Creek (02C)	Y
PA0061808 (Sewage)	George Royle Single Family Residence Sewage Treatment Plant 113 Salamander Hill Henryville, PA 18332	Monroe County Paradise Township	Unnamed Tributary to Swiftwater Creek (01E)	Y
PA0060186 (Sewage)	Elk Meadows Association STP Elk Road Uniondale, PA 18470	Susquehanna County Herrick Township	Unnamed Tributary of East Branch Tunkhannock Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246441 (CAFO)	Willow Brook Farm 10049 Ferguson Valley Rd Lewistown PA 17044	Granville Township Mifflin County	UNT to Strodes Run / 12-A	Y
PA0032964 (SEW)	PA DCNR State Parks Bureau— Cowans Gap State Park 6235 Aughwick Road Fort Loudon, PA 17224	Fulton County / Todd Township	South Branch Little Aughwick Creek / 12-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114561 (Sewage)	Herrick Township Sewer System STP 979 Lent Road Wyalusing, PA 18853-8791	Bradford County Herrick Township	Cold Creek (4-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0221775 (Industrial Waste)	HRI Brookville Asphalt Plant Exit 86 Of I-80 & SR 830 Brookville, PA 15825	Jefferson County Pine Creek Township	Unnamed Tributary to Fivemile Run (17-C)	Y
PA0046418 (Sewage)	Middleboro STP Municipal Authority of Middleboro P. O. Box 189 McKean, PA 16426	Erie County McKean Borough	Elk Creek (15)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0100935 (Sewage)	Maple Winds MHP 89 Gill Road, Grove City, PA 16127	Mercer County Pine Township	Unnamed Tributary to Wolf Creek (20-C)	Y

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

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

**PA0027103**, Sewage, SIC Code 4952, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. Facility Name: DELCORA STP. This existing facility is located in City of Chester, **Delaware 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), Delaware River Estuary Zone 4, is located in State Water Plan watershed 3-G 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 44 MGD before the plant expansion/outfall extension and 50 MGD after the completion of plant expansion/outfall extension.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub> (Interim)	7,000	10,500	XXX	19	29	38
(Final)	7,000	10,500	XXX	17	Wkly Avg 25	34
CBOD <sub>20</sub> CBOD <sub>20</sub> (%)	10,500	XXX	XXX	XXX	Wkly Avg XXX	XXX
Percent Removal	XXX	XXX	89.25 Min % Removal	XXX	XXX	XXX
Total Suspended Solids (Interim)	11,000	16,500	XXX	30	45	60
(Final)	12,500	18,760	XXX	30	Wkly Avg 45	60
Total Dissolved Solids (Interim)	XXX	XXX	XXX	Report	Report	Report
(Final)	XXX	XXX	XXX	1,000	2,000	2500
Oil and Grease (Interim)	5,500	XXX	XXX	15	XXX	30
(Final)	6,250	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen (Interim)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31 (Final)	9,590	XXX	XXX	23	XXX	46
Nov 1 - Apr 30 (Final)	28,770	XXX	XXX	69	XXX	138
Nitrate as N	XXX	XXX	XXX	Report	Report	XXX
Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Cadmium	XXX	XXX	XXX	Report	XXX	XXX
Total Copper (Interim)	XXX	XXX	XXX	Report	XXX	XXX
Total Copper (Final)	XXX	XXX	XXX	0.027	0.053	0.066
Total Cyanide	XXX	XXX	XXX	Report	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
Chlorodibromomethane	XXX	XXX	XXX	Report	XXX	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs (Dry Weather) (pg/L)						
Jan 1 - Jun 30	XXX	XXX	XXX	XXX	Report	XXX
Jul 1 - Dec 31	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)						
Jan 1 - Jun 30	XXX	XXX	XXX	XXX	Report	XXX
Jul 1 - Dec 31	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 028 are based on an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>			<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	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 Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

Stormwater Outfalls 029, 030 and 031 are not required to monitor.

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

1. Operator Notification
2. Average Weekly Definition
3. Remedial Measures if Unsatisfactory Effluent
4. Acquire Necessary Property Rights
5. CBOD<sub>20</sub> Percent Removal Requirement
6. Proper Test Methods
7. Change of Ownership
8. TRC Requirement
9. Proper Sludge Disposal
10. TMDL/WLA Data
11. I-Max Limitation
12. Maximize Flow to Treatment Plant
13. Raw Sewage Pump Station Overflow
14. TDS Condition
15. Authorization to Discharge 50 mgd Flow
16. CSO Reopener
17. Laboratory Certification
18. Fecal Coliform Requirement
19. PCBs Requirement
20. Operation Start Date
21. Wastewater from Natural Gas Process
22. Completion of Construction
23. WET Testing Requirement
24. Pretreatment Program
25. Requirement for Stormwater Outfalls
26. Combined Sewer Overflows

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

The EPA Waiver is not in effect.

**PA0030023**, Sewage, SIC Code 4952, **Bryn Athyn Borough Montgomery County**, Bryn Athyn Borough, and Bryn Athyn, PA 19009. Facility Name: Bryn Athyn Borough Academy of the New Church Sewer System & STP. This existing facility is located in Bryn Athyn Borough, **Montgomery County**.



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

The receiving stream(s), Huntingdon Valley Creek, is located in State Water Plan watershed 3-J and is classified for Trout Stocking 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 0.065 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Inst. Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.4	XXX	0.9
CBOD <sub>5</sub>						
(May 1 - Oct 31)	3.69	5.53	XXX	6.8	10.2	13.6
(Nov 1 - Apr 30)	7.37	11.6	XXX	13.6	20.4	27.2
Total Suspended Solids	5.4	8.1	XXX	10	15	20
Total Dissolved Solids	542	1,084 Daily Max	XXX	1,000	2,000 Daily Max	2500
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	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N (Interim)	Report	XXX	XXX	Report	XXX	Report
(Final)	5.4	XXX	XXX	10	XXX	20
Ammonia-Nitrogen						
(May 1 - Oct 31)	1.52	XXX	XXX	2.8	XXX	5.6
(Nov 1 - Apr 30)	4.56	XXX	XXX	8.4	XXX	16.8
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

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

The EPA Waiver is in effect.

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

**PA0081787**, Sewage, SIC Code 6515, **Telco Developers Inc.**, 5 Maple Avenue, Manheim, PA 17545-8911. Facility Name: Greta Springs MHP. This existing facility is located in West Cornwall Township, **Lebanon County**.

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

The receiving stream(s), Chickies Creek, is located in State Water Plan watershed 7-G 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 0.0264 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.22	XXX	0.73
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	XXX	XXX	XXX	10.5	XXX	21
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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.

**PA0080683**, Sewage, SIC Code 6515, **Miller's Skyview Sales Inc.**, 200 Ridge Road, Etters, PA 17319-9110. Facility Name: Miller's Skyview Mobile Home Park. This existing facility is located in Newberry Township, **York County**.

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

The receiving stream, Unnamed Tributary of Bennett Run, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.12
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 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	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Total Mo						

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.

**PA0045004**, Sewage, SIC Code 4952, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316-9220. Facility Name: Lake Meade STP. This existing facility is located in Reading Township, **Adams 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, Mud Run, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.350 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
CBOD <sub>5</sub>	29	43 Wkly Avg	XXX	10	15	20
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	29	43 Wkly Avg	XXX	10	15	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	4.3	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	13	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	5.8	XXX	XXX	2.0	XXX	4.0
Total Copper	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.

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

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.

**PA0085316**, Sewage, SIC Code 3999, **Fort Heritage, LTD**, 1958 Emmitsburg Road, Gettysburg, PA 17325-7196. Facility Name: Fort Heritage Lighthouse Chapel. This existing facility is located in Cumberland Township, **Adams 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, Marsh Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.020 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Total Monthly	Total Annual	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.50	XXX	1.63
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX

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.

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

**Application No. PA0229067**, Concentrated Animal Feeding Operation (CAFO), **Murmac Farms LLC (Murmac Farms)**, 2336 Zion Road, Bellefonte, PA 16823.

Murmac Farms LLC has submitted an application for an Individual NPDES permit for an existing CAFO known as Murmac Farms, located in Spring Township, **Centre County**.

The CAFO is situated near Unnamed Tributary to Nittany Creek in Watershed 9-C, which is classified for cold water fishery (CWF). The CAFO is designed to maintain an animal population of approximately 2402 animal equivalent units (AEUs) consisting of 1940 Dairy Cows. Manure and dairy wastewater will be gravity fed to a primary lagoon. Liquid from the primary lagoon is pumped to a secondary lagoon. Some of the liquid from the secondary lagoon is recycled for flushing water in the cow barns. Both lagoons are HDPE lined. Total volume of both lagoons is 10.3 million gallons with a 2' freeboard. Manure is disposed of year round. 500 acres are used for manure disposal on the home farms and 764.1 acres are rented for application of the remaining manure.

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 25-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.

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

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

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

**PA0095940**, Sewage, SIC Code 8211, **Albert Gallatin Area School District**, 2625 Morgantown Road, Uniontown, PA 15401-6703. Facility Name: Albert Gallatin Swaney Elementary School STP. This existing facility is located in Georges Township, **Fayette 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), York Run, is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>XXX</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>XXX</i>	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

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

The EPA Waiver is in effect.

**PA0217271**, Sewage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. Facility Name: Kilbuck Run STP. This existing facility is located in Ohio Township, **Allegheny County**.

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

The receiving stream(s), Kilbuck Run, is located in State Water Plan watershed 20-G 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 0.295 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	49.2	73.9	XXX	20	30	40
Nov 1 - Apr 30	61.5	92.3	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	73.9	110.8	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	4.9	7.4	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	11.1	16.6	XXX	4.5	6.8	9.0

The EPA Waiver is in effect.

**PA0031470**, Sewage, **Penns Manor Area School District**, 6003 Route 553 Highway, Clymer, PA 15728-8318. Facility Name: Penns Manor Area School District STP.

This existing facility is located in Cherryhill Township, **Indiana County**.

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

The receiving stream(s), Unnamed Tributary to Rose Run, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	0.03	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.1
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.3	XXX	4.6
Nov 1 - Apr 30	XXX	XXX	XXX	5.0	XXX	10.0

The EPA Waiver is in effect.

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

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

**WQM Permit No. 6780402, Amendment 12-1**, Sewerage, **Dillsburg Area Authority**, 98 West Church Street, PO Box 370, Dillsburg, PA 17019.

This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to the Carroll Drive Pump Station and Force Main.

**WQM Permit No. 3890202, Amendment 12-1**, Industrial Waste, **Keystone Protein Company**, PO Box 37, Fredericksburg, PA 17026.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit amendment approval for the installation of new pump stations, dissolved air flotation cell, anoxic reactor #3/aerobic reactor #4 tank, new tertiary filter, new uv disinfection and new post aeration at existing site.

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

**WQM Permit No. 6212403**, Sewerage, **Jill Petty**, 25 Elm Street, Youngsville, PA 16317.

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

Description of Proposed Action/Activity: Replacement of a malfunctioning on-lot septic system.

#### 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01231206	Citadel Federal Credit Union 520 Eagleview Boulevard Exton, PA 19347	Delaware	Concord Township	West Branch Chester Creek (TSF-MF)

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

*Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025212003	PPL Electric Utilities 2 North Ninth St. Allentown, PA 18101	Pike	Palmyra Twp. and Lackawaxen Twp.	Lackawaxen River, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812007	Northampton County John Stoffa Northampton County Courthouse 669 Washington St. Eason, PA 18042	Northampton	Upper Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906008R	Michael Sibalic Sorensen Construction 4542 Senny Court New Tripoli, PA 18066	Lehigh	Lower Milford Twp.	Unnamed Tributary to the Unami Creek, HQ-TSF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032112005	Charter Homes at Walden Inc. 1190 Dillerville Road Lancaster, PA 17601	Cumberland	Silver Spring Township	Trindle Spring Run and Hogestown Run/ HQ, CWF
PAI033106003(R)	PennDOT District 9-0	Huntingdon	Jackson Township	Shavers Creek HQ, CWF

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041412007	Jonathan Cook New Enterprise Stone & Lime Co PO Box 77 New Enterprise PA 16664	Centre	Ferguson Twp	Spruce Creek HQ-CWF, MF

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG123613, CAFO, Donald Weaver Farm**, 1871 Smith Station Road, Spring Grove, PA 17362.

This proposed facility is located in Heidelberg Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: This proposed operation consists of 4400 nursery pigs and a single flock of 19,000 turkey hens.

The receiving stream, a UNT to Oil Creek, is in watershed 7-H and classified for: WWF.

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 general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general 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.

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

## SAFE DRINKING WATER

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

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

#### Application No. 3512507, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Co.</b>
[Township or Borough]	Dunmore Borough <b>Lackawanna County</b>
Responsible Official	David R. Kaufman, VP Engineering 800 West Hershey Park Drive Hershey, PA 17033
Type of Facility	Community Water System
Consulting Engineer	Jeremy A. Nelson, PE PA-AM Water Co. 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701 570-830-6538
Application Received Date	July 16, 2012
Description of Action	Application for replacement of two (2) existing booster pumps, piping and valves at the Tiffany Drive Booster Pump Station.

#### Application No. 3512507, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Co.</b>
[Township or Borough]	Dunmore Borough <b>Lackawanna County</b>

Responsible Official David R. Kaufman, VP  
Engineering  
800 West Hershey Park Drive  
Hershey, PA 17033

Type of Facility Community Water System

Consulting Engineer Jeremy A. Nelson, PE  
PA-AM Water Co.  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701  
570-830-6538

Application Received Date July 16, 2012

Description of Action Application for replacement of two (2) existing booster pumps, piping and valves at the Tiffany Drive Booster Pump Station.

**Application No. 4812503** Public Water Supply.

Applicant **Mr. John Shadle**  
**DBA Driftwood Mobile Home Park**

[Township or Borough] Lower Mount Bethel Township  
**Northampton County**

Responsible Official Mr. John Shadle  
582 Horseshoe Drive  
Easton, PA. 18040

Type of Facility Public Water Supply

Consulting Engineer Mr. Eric Lundy, PE  
Nittany Engineering and Associates  
2836 Earlstown Road  
Centre Hall, PA. 16828

Application Received Date 7/20/12

Description of Action This project provides for the construction of additional chlorine contact time to meet the requirements of the Ground Water Rule. Five (120 gallon) chlorine contact tanks are proposed.

**Application No. 3512506** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 W. Hershey Park Drive  
Hershey, PA. 17033

[Township or Borough] Forest City Borough  
**Susquehanna County**

Responsible Official Mr. David Kaufman

Type of Facility Public Water Supply

Consulting Engineer Mr. Daniel Rickard, PE.  
100 N. Pennsylvania Avenue  
Wilkes-Barre, PA.

Application Received Date July 11, 2012

Description of Action This project provides for the replacement of the post lime feeder with caustic feed at the filtration plant.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Application No. 6012501—Construction** Public Water Supply.

Applicant **PA American Water Co.—White Deer District**

[Township or Borough] East Buffalo Township

County **Union**

Responsible Official Mr. David R. Kaufman  
V.P. Engineering  
800 West Hershey Park Drive  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Evan R. Andrews, P.E.  
URS Corporation  
Iron Hill Corporate Center  
4051 Ogletown Road  
Suite 300  
Newark, DE 19713

Application Received August 20, 2012

Description of Action Construction of a new 500,000 gallon elevated water storage tank on the PA American water site in Lewisburg, PA.

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

**Permit No. 1012503**, Public Water Supply

Applicant **Pennsylvania American Water Company**

Township or Borough City of Butler

County **Butler**

Responsible Official David R. Kaufman, P.E.

Type of Facility Public Water Supply

Consulting Engineer Scott E. Hilty, P.E.  
Pennsylvania American Water Company  
300 Galley Road  
McMurray, PA 15317

Application Received Date July 9, 2012

Description of Action Installation of corrosion inhibitor feed system at the Butler Water Treatment Plant.

**MINOR AMENDMENT****Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 4812505MA, Minor Amendment.**

Applicant **Millers Edgewood Mobile Home Park, Inc.**  
6160 Snyders Church Road  
Bath, PA. 18014

[Township or Borough] East Allen Township  
**Northampton County**



Responsible Official Mr. Thomas Miller  
 Type of Facility Public Water Supply  
 Consulting Engineer Nittany Engineering & Associates  
 Suite 1  
 2836 Earlstown Road  
 Center Hall, PA. 16828

Application Received Date August 9, 2012

Description of Action This project provides for the construction of a chlorine contact chamber consisting of 80 LF of 12-in PVC in order to provide additional chlorine contact time to meet the requirements of the Ground Water Rule.

**Application No. 6612502MA, Minor Amendment.**

Applicant **Aqua Pennsylvania, Inc.**  
 1 Aqua Way  
 White Haven, PA. 18661

[Township or Borough] Factoryville Borough  
**Wyoming County**

Responsible Official Patrick Burke  
 Regional Manager

Type of Facility Public Water Supply

Consulting Engineer Mr. Peter Lusardi, PE.  
 CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA. 17112

Application Received Date 06/28/12

Description of Action This project provides for the addition of a secondary sodium hypochlorite feed point after the filters to provide a more stabilized chlorine residual.

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

**Application No. 8471-W-T1-MA1, Minor Amendment.**

Applicant **Pennsylvania American Water Company**

Township or Borough Kane Borough

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Evan R. Andrews, P.E.  
 URS Corporation  
 Iron Hill Corporate Center  
 4051 Ogletown Road,  
 Suite 300  
 Newark, DE 19713

Application Received Date July 13, 2012

Description of Action Construction of a 600,000 gallon elevated water storage tank.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**  
**UNDER ACT 2, 1995**  
**PREAMBLE 1**

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

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

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

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

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

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

**(REVISED) 777 South Broad Street**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Josh Weingram 77 South Broad Associates, LP, 3180 Chestnut Street, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline, lead, pah and mtbe. The future use of the site will remain the same. A Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 16, 2008.

**Parx Casino**, Bensalem Township, **Bucks County**. Tom Peterson, P.E., Environmental Engineering Solutions, Inc., 25, Keith Washington Lane, Wyncote, PA 19095, Keith Crawford, Eagle Industrial Hygiene Associates, Inc, 359 Dresher Road, Horsham PA 19044 on behalf of David Zeigler, Parx Casino, 3001 Street Road, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been reported in *The Courier Times Incorporated* on June 20, 2012.

**MGM Ridley Parking LP**, Ridley Township, **Delaware County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Kim Rinnier, MGM Ridley Parking, LP, 760 Parke's Run, Villanova, PA 19085 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been reported in the *Delaware County Times* on March 14, 2012.

**1571 Valley Forge Road**, Schuylkill Township, **Chester County**. Matt Martielli, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Anthony Schaeffer, TNH L.P., 300 Conshohocken State Road, Suite 210, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The expected future use of the site is residential or commercial. A Notice of Intent to Remediate was to have been published in *The Daily Local News* on March 29, 2012.

**477 North West End Boulevard Site**, Richland Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Thomas Petrecz, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Irwin Kroiz, West End Boulevard Associates, L.P. 505 West Germantown Pike Suite 200, Plymouth, PA 19462 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of leaded gasoline short list. The proposed future use of the property will be non-residential for continue use of a Salvation Army store. A Notice of Intent to Remediate was to have been published in *The Intelligencer* on July 19, 2012.

**904 Fairview Avenue Site**, Lower Southampton Township, **Bucks County**. Patrick Crawford, Crawford Environmental Services LLC., 195 Proudfoot Drive, Birdsboro, PA 19508, C&L Fuel, 1504 Newport Road, Bristol PA 19007 on behalf of John Morozin, 904 Fairview Avenue, Feasterville, PA 19053 has submitted a Notice of Intent to Remediate. The intended future use of the property is for residential use. A Notice of Intent to

Remediate was to have been published in *The Bucks County Intelligencer* on July 10, 2012.

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

**Purcaro Residence**, 258 Silver Lake Road, Delaware Township, **Pike County**. John C. Lydzinski, Marshall Miller & Associates, Inc., 2 Gunpowder Road, Mechanicsburg, PA 17050 has submitted a Notice of Intent to Remediate on behalf of his client, Patricia Purcaro, 258 Silver Lake Road, Dingmans Ferry, PA 18328, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as the result of an accidental spill during the delivery of the fuel oil to one of two 275-gallon aboveground storage tanks. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate was published in the *Pike County Dispatch* on July 26, 2012.

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

**Former BP Terminal 4574**, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, / Antea USA, Inc., 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Reading Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products. The site will be remediated to the Site-Specific standard.

**Dorian Abel Residence**, 195 Heydt's Schoolhouse Road, Bechtelsville, PA 19505, Washington Township, **Berks County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Dorian Abel, 195 Heydt's Schoolhouse Road, Bechtelsville, PA 19505, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with fuel oil released from an above ground storage tank. The site will be remediated to the Residential Statewide Health standard. Future use of the site remains residential.

**CNH America Former UST L31 Area**, 120 Brubaker Avenue, New Holland, PA 17557, New Holland Borough, **Lancaster County**. Brown & Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of CNH America LLC, 700 State Street, Racine, WI 53404, submitted a Notice of Intent to Remediate site groundwater contaminated with #2 fuel oil. The site will be remediated to the Non-Residential Statewide Health standard.

**Brentwood Industries**, 2101 Lehman Street, Lebanon, PA 17046, West Lebanon Township, **Lebanon County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Brentwood Industries, Inc., 2101 Lehman Street, Lebanon, PA 17046, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 and No. 4 fuel oils from nonregulated underground storage tanks. The site will be remediated to the Residential Statewide Health standard. The site will remain a plastics manufacturing facility.

**Carol Millhouse Residence**, 2722 Royal Road, Lancaster, PA 17603, Manor Township, **Lancaster County**. Reliance Environmental, Inc., 130 E. Chestnut Street, Lancaster, PA 17602, on behalf of Carol Millhouse,

109 Arrowwood Court, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to a combination of Residential Statewide Health and Site-Specific standards. Future use of the site remains residential.

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

**LANXESS Corp.**, 3499 Grand Avenue, Neville Township, **Allegheny County**. Steven Gerritsen, SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Gary LaGamba, 3499 Grand Avenue, Pittsburgh, PA 15225 has submitted a Notice of Intent to Remediate site for dissolved metals in groundwater originating from an upgradient property. The property is to remain industrial use.

## 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 Approval or Operating Permits from the following facilities.

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

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

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the

Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

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

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

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

**32-00424A: Western Allegheny Energy, LLC** (301 Market Street, Kittanning, PA 16201) for a mineral and coal processing plant at the Brush Valley Mine Coal Preparation Plant in Center Township, **Indiana County**. This is a minor facility Plan Approval application submitted.

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

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

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

**46-0005AJ: Merck, Sharp & Dohme, Corp.** (770 Sunmeytown Pike, West Point, PA 19486-0004) for modification of an existing permitted combustion turbine (TG2), Source 039, in Upper Gwynedd Township, **Montgomery County**. The plan approval is for a Title V facility. The modification will remove the ability to fire the turbine on fuel oil and limit the operating time to 7,700 hours per 12 consecutive month period. There will be no increase in emissions. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-0047F: Evonik Degussa Corp.** (1200 West Front Street, Chester, PA 19013) for installation of a spray dryer, Silo, & Granulator System. All are individually controlled by baghouse in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM). The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

**46-0020I: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) for modification to restore the allowable production increase & increase the annual allowable non-HAP VOC emission limits for vapor degreaser No. 661 that utilize nPB as the cleaning solvent in Lower Providence Township, **Montgomery County**. This modification will result in a net increase in potential VOC emissions of 16.0 tons per year. This facility is a Title V facility. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality 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*

**15-00091: McAvoy Vitrified Brick Co.** (75 McAvoy Lane, Phoenixville, PA 19460) for renewal of Title V Operating Permit, No. 15-0091, in Schuylkill Township, **Chester County**. The original Title V Operating Permit was issued on June 4, 2002, and became effective on July 1, 2002. The facility's major air emission sources include a crusher, brick dryers and kilns fired by natural gas. Annual average NO<sub>x</sub> emissions from all emitting sources were 5.2 tons in 2010 and 2011. The renewed permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00041: Monroe Energy LLC** (4101 Post Road, Trainer, PA 19061) for renewal of the Title V Operating Permit for their Chelsea Tank Farm, a pipeline breakout station for refined petroleum products in Upper Chichester Township, **Delaware County**. With this renewal, the Operating Permit will also be administratively amended to reflect a change in ownership from Phillips 66 Co.

The Chelsea Tank Farm is a major facility for volatile organic compounds (VOC) emissions with a potential to emit 47.5 tons per year (12 month rolling sum). The facility is a minor source for hazardous air pollutants (HAPs) with a potential to emit of 6.08 tons/year, also on a 12-month rolling basis. The Chelsea Tank Farm comprises eleven (11) storage tanks, pumping stations and pipelines. Minor sources at the facility include an office heater (0.145 MMBtu/hr boiler), an emergency generator (150 kW) and a groundwater and soil remediation system, with emissions controlled by carbon beds and a catalytic oxidizer.

Regulations promulgated since the last time the Operating Permit was renewed, are included in this issuance. These regulations include the following Subparts from 40 CFR Part 63: Subpart BBBBBB, the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities; Subpart JJJJJJ, NESHAPs for Industrial, Commercial, and Institutional Boilers Area Sources; and Subpart ZZZZ, NESHAPs for Stationary Reciprocating Internal Combustion Engines. Upon final approval, the permit will be renewed for a period of five (5) years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**10-00028: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) for the re-issuance of a Title V Permit to operate a cement manufacturing facility in Winfield Township, **Butler County**. The facility's major emission sources include raw material stockpiles, primary and secondary crushers for raw materials, mate-

rial conveyance systems, cement kilns, finish mills, and miscellaneous support operations. The facility is a major facility due to its potential to emit particulate matter less than ten microns in diameter, sulfur oxides, nitrogen oxides and carbon monoxide. The potential emissions from this facility are: 1620 TPY(tons per year)—NO<sub>x</sub>, 26 TPY—CO, 6792 TPY—PM<sub>10</sub>, 6.1 TPY—VOCs, and 2675 TPY—SO<sub>x</sub>.

**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*

**46-00078: G-Seven Ltd.** (2289 North Penn Road, Hatfield, PA 19440) for renewal of the Title V Operating Permit in Hatfield Township, **Montgomery County**, which was issued on June 7, 2007. G-Seven Ltd. has requested to be a Synthetic Minor facility from the Title V facility. This proposed renewal of the Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The manufacturing process at G-Seven Ltd. includes cutting, shaping, sanding, bending, and finishing of wood substrates. The finishing process includes two (2) manual spray booths, Staining Operation, Glue press, and Clean Up operation. The wood substrates are coated in Spray Booth. Overspray in the Spray Booth is contained on filter media. The filters have a 95% overall efficiency. After the coating operation is complete, the wood substrates are air-dried. During the staining operation, coating is applied via hand (brush or cloth) and the wood substrate is air-dried. All emissions from this process are fugitive. The facility uses air-assisted airless spray guns during their finishing process. The spray guns have a 60% transfer efficiency. The facility is major for emissions of Volatile Organic Compounds (VOC). The facility is subject to the requirements 25 Pa. Code § 129.52 and the federal requirements of 40 CFR 63, Subpart JJ-National Emission Standards for HAPs. Wooding coating drying oven was only the source removed since the last renewal of the operating permit issued on June 7, 2007.

The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00143: Naceville Materials—Sellersville Quarry** (2001 Ridge Road, Sellersville, PA 18960) for operation of the crushing and screening equipment, and associated wet suppression systems at their quarry in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The entire facility is restricted to 57.68 ton/year limit on the Particulate Matter (PM) emissions produced by crushing operation. This renewal incorporates General Permit No. 09-310-077GP that was issued for operation of Portable Stone Crushing Plant and Wet Suppression System. It contains conditions including 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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05023: Orograin Bakeries Manufacturing, Inc.** (640 Park Avenue, Reading, PA 19611) for their bakery in Reading City, **Berks County**.

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

The subject facility has actual emissions of 1.90 tpy of CO, 2.25 tpy of NO<sub>x</sub> and 5.32 tpy 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.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

**06-05077: Can Corp. of America** (326 June Avenue, Blandon, PA 19510) for their can-manufacturing plant in Maiden creek Township, **Berks County**.

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

In 2010 the facility had actual emissions of 10 tons of nitrogen oxides (NO<sub>x</sub>) and 15 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise

statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

**10-00298: ESM Group Inc.** (955 Saxonburg BLVD, Saxonburg, PA 16056-2317) for renewal of the facility's Natural Minor Operating Permit. The sources included, 1) Mixing (In blend bldg.), 2) Fab Bldg. paint booth, 3) End product truck loading and, 4) Vessel cleaning (Bldg.) and, 5) Degreaser unit. The facility produces Manganese blended powders (magnesium powders mixed with lime) located in Saxonburg Borough and **Butler County**. The facility is natural minor because the emissions from the facility are less than Title V emission threshold. The potential emission statement of the facility, PM<sub>10</sub>: 0.04 TPY (Tons per year), VOC: 5.304 TPY.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

#### *Coal Applications Received*

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

**32041301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Brush Valley Mine in Center Township, **Indiana County** to install a second slope entry, a sludge borehole, and relocate an airshaft borehole. Surface Acres Proposed 15.6. No additional discharges. The application was considered administratively complete on August 14, 2012. Application received: January 6, 2012.

**11841603 and NPDES No. PA0235377. AMFIRE Mining Company**, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Portage Plant in Portage Township, **Cambria County** and related NPDES permit to change the water handling plan and outfall effluent limits. Receiving stream: Unnamed Tributary to Spring Run, classified for the following use: CWF. The application was considered administratively complete on August 17, 2012. Application received: June 14, 2012.

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

**33120104 and NPDES Permit No. PA0259314. Twin Brook Coal, Inc.** (P. O. Box 225, Clymer, PA 15728) Commencement, operation and restoration of a bituminous surface and auger mine in Knox Township, **Jefferson County** affecting 44.5 acres. Receiving streams: Unnamed tributary to Indiancamp Run and Indiancamp Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 6, 2012.

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

**54900101C48. Blackwood, Inc.**, (P. O. Box 639, Wind Gap, PA 18091), correction to change the pit length and update road and stream variances of an existing anthracite surface mine, refuse reprocessing, refuse disposal and prep plant operation in Branch, Reilly and Tremont Townships, **Schuylkill County** affecting 1,850.6 acres, receiving streams: Panther Creek and Swatara Creeks, classified for the following uses: cold water and migratory fishes. Application received: August 1, 2012.

**49120101. Blue Ridge Mining, LP**, (123 Iris Road, Shamokin, PA 17872), commencement, operation and restoration of an anthracite surface mine operation in Coal Township, **Northumberland County** affecting 43.5

acres, receiving stream: Carbon Run, classified for the following use: cold water fishes. Application received: August 8, 2012.

#### *Noncoal Applications Received*

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

**24589-43070303-E-2. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 2 to Indian Run in Springfield & Wilmington Townships, **Mercer County**. Receiving streams: Unnamed tributaries to Indian Run and Indian Run, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 10, 2012.

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

**59120301. Chad E. Cross** (19316 Route 6, Mansfield, PA 16933). Commencement, operation and restoration of a large non-coal surface mine (shale, siltstone and sandstone) operation in Sullivan Township, **Tioga County** affecting 65.2 acres. Receiving streams: Unnamed Tributary 1 of Corey Creek to Cory Creek classified for Cold Water Fishes. Application received: August 10, 2012.

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

**8274SM1C4 and NPDES Permit No. PA0595705. ICM of Pennsylvania, Inc.**, (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Leacock and Manheim Townships, **Lancaster County**, receiving stream: Conestoga River, classified for the following uses: warm water and migratory fishes. Application received: August 3, 2012.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

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

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



*Coal NPDES Draft Permits*

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

**NPDES Permit No. PA0033677 (Mining Permit No. 56841328), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A revision to the NPDES and mining activity permit for Mine 78 in Adams Township, **Cambria County** to add NPDES discharge point 005 to discharge treated mine water from the St. Michael Treatment Plant. Surface Acres Affected 4.8, Receiving stream: Unnamed Tributary to South Fork Little Conemaugh River, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on

December 29, 2011. Application received September 29, 2011. This notice was initially published in the *Pennsylvania Bulletin* on June 16, 2012. It is being re-published to include an excerpt from PART B, Section 6, Special Conditions, of the NPDES draft permit.

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

The proposed average daily discharge rate for Outfall 005 is 4.32 MGD with a daily maximum of 14.4 MGD. Outfall 005 discharges to: Unnamed Tributary to South Fork Little Conemaugh River (Topper Run). The proposed effluent limits for Outfall 005 Lat: 40° 19' 52" Long: 78° 46' 11" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	2.75
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.48	0.96	1.2
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow (MGD)			14.4	
Osmotic Pressure (mOs/kg)		50	100	125
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Specific Conductance (umho)			Monitor and Report	

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

Additionally, Part B, Section 6, Special Conditions, items (b) 1—3 of the NPDES draft permit contains the following language regarding Pollution Reduction/Offsets:

(b) Pollution Reduction/Offsets

1. *Offset*. For the purpose of this permit “offset” means the load in pounds created by an action, activity or technology that is available to apply against the proposed load to be generated by the discharge from the St. Michael Treatment Plant at Outfall 005. This permit assigns effluent limitations for the treated discharge from the St. Michael Treatment Plant to Topper Run at Outfall 005 for the parameters Fe, Mn, Al, pH and TSS which are to be met by achieving the Best Available Technology (BAT) effluent limitations in 40 CFR Part 434 and 25 Pa. Code § 89.52 (rather than the concentration limits in Part A of this permit) and offsetting the BAT loading for the above parameters through treatment or abatement of pre-existing abandoned mine discharges. These offsets are based on the significant reduction in pollution loading of Fe, Mn and Al that will result from: (i) the plant’s treatment of an existing abandoned mine drainage (AMD) discharge as part of the mining operation (the St. Michael’s Shaft and Borehole discharges); (ii) the abatement of other AMD discharges in the surrounding area which will result from pumping the mine pool and operating the treatment plant (the St. Michael’s Refuse Seeps, St. Michael’s Stream Bank Seeps and Burkett slope/Stineman No. 1 discharge); and (iii) the reduction in pollution loadings from a projected reduction in flow of a nearby AMD discharge resulting from pumping the mine pool and operating the treatment plant (Sulfur Creek Borehole discharge). In the event that the pollution loads from other abandoned mine discharges or other offset sources in the watershed are reduced by the activity of the permittee, or unused waste load allocations assigned by the Kiski-Conemaugh River Watershed TMDL are

available, the permittee may seek to include properly documented reductions of such other discharges or unused waste load allocations as part of the offset evaluation to meet the effluent limits in this permit.

The reductions in pollution loading in the Kiski-Conemaugh River watershed that will result from operation of the treatment plant will achieve and exceed the load reduction targets in the Kiski-Conemaugh River Watersheds TMDL for certain of the AMD discharge sources identified above.

For the purposes of this permit the monthly load is the sum of the measured daily discharge loads (lbs/day) for iron manganese and aluminum, divided by the number of samples per month, multiplied by the number of days in the month. The monthly load must be based upon at least two water quality samples. The daily load (lbs/day) equals the average daily flow (MGD) multiplied by that day’s sample concentration, multiplied by 8.34. The annual load is the sum of monthly loads for each year, beginning July 1 and ending June 30. The period from July 1 through June 30 is the compliance year for this permit.

2. *Implementation Period for Pollution Reductions*.

The Net Pollution Loading achieved by the St. Michael Treatment Plant, as measured at Outfall 005 over the course of the annual compliance year for this permit, established above in paragraph 6(b)(1), must be less than or equal to the waste load allocations for iron, manganese and aluminum, respectively, which are allocated to the treatment plant by the Kiski-Conemaugh Watershed TMDL.

3. *Monitoring and Reporting of Pollution Reduction/Offset*.

The permittee shall monitor and report to the Department, on a quarterly basis, commencing with the issuance



of this permit, the monthly load discharged from the St. Michael Treatment Plant, and the actual reduction in pollution loading for Fe, Mn, and Al achieved by the St. Michael Treatment Plant for each of the AMD discharges identified in paragraph (b)(1) and in the table below, as well as the total overall pollution load reduction achieved by the treatment plant in the Kiski-Conemaugh River Watershed. The pollution loads stated in paragraph 4 below for each of the identified nonpoint AMD discharge sources shall serve as the baseline against which to measure the reductions achieved by the pumping of the mine pool and the operation of the treatment plant.

The water quality and flow data and load calculations shall be submitted to the Department, along with the Discharge Monitoring Reports, on a quarterly basis. Quarterly reports shall include the monthly load calculations for the offsets and outfall 005. The report shall contain a calculation of the offset and a demonstration that the Net Pollution Loading achieved by the St. Michael Treatment Plant, as measured at Outfall 005 over the course of the applicable compliance year, is less than or equal to the waste load allocations for iron, manganese and aluminum, respectively, which are allocated to the treatment plant by the Kiski-Conemaugh Watershed TMDL. The annual accounting for each compliance year shall report the annual pollution reduction. The Existing Pollution Load (Offset) is equal to the current pollution load from all the abandoned mine discharges identified in Paragraph 5 and other discharges credited to the permittee. In equation form, this concept is expressed as:

$$\begin{aligned} \text{Net Pollution Loading} &= \text{St Michael Treatment Plant Load @} \\ &\text{BAT - Existing Pollution Load (Off-} \\ &\text{set)} \\ &= [\text{Flow B (MGD)} * \text{Concentration B} \\ &\text{(mg/l)} * 8.34] - [\text{Flow (MGD)} * \text{Concentration A} \\ &\text{(mg/l)} * 8.34] \end{aligned}$$

Where: "A" represents flows and concentrations of the abandoned discharges  
 "B" represents flow and concentration of the St Michael Treatment Plant discharge

Therefore, the Net Pollution Loading shall be less than or equal to the following TMDL waste load allocations:

- Iron—19,726 lb / year
- Manganese—13,151 lb / year
- Aluminum—6,312 lb / year

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

**NPDES No. PA0249025 (Mining permit no. 32010109), Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687, renewal of an NPDES permit for bituminous surface mine in Rayne, Washington and White Townships, **Indiana County**, affecting 28.5 acres. Receiving stream(s): McKee Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Crooked Creek TMDL. Application received: July 23, 2012.

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

The stormwater outfall(s) listed below discharge to McKee Run.

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

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

<i>Outfalls: 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	NA	NA	7.0
Total Suspended Solids (mg/l)	32.45	46.9	60.3
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0242276 (Permit No. 37020307). Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an NPDES permit for a large industrial minerals surface mine in Wayne Township, **Lawrence County**, affecting 243.4 acres. Receiving streams: Unnamed tributary to the Beaver River, classified for the following uses: WWF. TMDL: None. Application received: May 21, 2012. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to the Beaver River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP12	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5
Osmotic Pressure (milliosmoles/kg)				
Manganese (mg/l)				

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

**NPDES No. PA0594130 on Surface Mining Permit No. 5273SM2C17. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), revised NPDES Permit to increase discharge in Point 001 from 0.36 MGD to 2.0 MGD for a Granite Gneiss Quarry operation in Thornbury and Middletown Townships, **Delaware County**, affecting 247.3 acres. Receiving streams: Chester Creek and unnamed tributary to Chester Creek, classified for the following use: trout stock fishery. Application received: April 18, 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 Chester Creek and unnamed tributary to Chester Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>	<i>Receiving Stream</i>
001	No	O.D.	Chester Creek
002	No	E&S/O.D.	unnamed tributary to Chester Creek
003	No	E&S/O.D.	unnamed tributary to Chester Creek
004	No	E&S	unnamed tributary to Chester Creek

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1084. Montgomery County, One Montgomery Plaza**, Suite 201, 425 Swede Street, Norristown, PA 19401, Norristown Borough and Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activity associated with the improvement of the Lafayette Street extension and improvement project in the floodplain of the Schuylkill River (WWF/MF):

To modify, extend, and maintain the existing Lafayette Street (S.R. 9102) associated with its connection to Conshohocken Road (S.R. 3013). This work includes all the appurtenant work within the floodplain such as local road intersection modification, and proposed sidewalks.

The project will permanently impact approximately 0.96 acre of floodplain (1,550 cubic yards of net fill) The site commences at approximately 400 feet west of Danehower Bridge in the Borough of Norristown and runs east extending the Lafayette Street from its current terminal point at Ford Street to the Conshohocken Road in Plymouth Township. The project is located in Plymouth Township and Norristown Borough, Montgomery County (Norristown, PA USGS Quadrangle N: 19.88 inches; W: 11.53 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E54-325. Blythe Township**, P. O. Box 91, Cumbola, PA 17930, in Blythe Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To relocate and reestablish the "historic" Little Wolf Creek with the construction and maintenance of 6,700 feet of riprap-lined trapezoidal channel and a 1,600-foot long stream enclosure; and to place fill in 0.3 acre of wetlands. The encroachments are associated with the proposed construction and demolition waste landfill known as the Blythe Recycling and Demolition Site (BRADS). The project is located on the north SR 1006 (Burma Road) approximately 2.3 miles east of St. Clair (Pottsville, PA Quadrangle, Latitude: 40°44'23"; Longitude: -76°9'22").

**E13-172. PA Solar Park**, 100 Summit Lake Drive, Suite 410, Valhalla, PA 10595, in Nesquehoning Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To maintain a 16-foot wide single span steel beam bridge across Nesquehoning Creek (CWF, MF) having a

29-foot span and a 3.5-foot underclearance. This bridge was previously authorized as a temporary road crossing authorized by General Permit GP081312402 acknowledged on May 3, 2012. The project is located on the south side of Industrial Drive approximately 0.5 mile west of its intersection with Park Avenue (Nesquehoning, PA Quadrangle Latitude: 40° 51' 18.1"; Longitude: -75° 51' 32.8") in Nesquehoning Borough, Carbon County.

**E13-173. Lehigh Canal Recreation Commission**, 141 Church Street, Lehighton, PA 18235, in Parryville Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to maintain a 35-foot wide concrete box beam bridge across the Lehigh Canal having a 72.5-foot span and a 7-foot underclearance. The bridge was constructed under Permit E13-146 to provide temporary construction access for the replacement of the I-476 bridge over the Lehigh River and Pohopoco Creek. The project is located approximately 1,000 feet west of the intersection of SR 0248 and Centre Street (Lehighton, PA Quadrangle Latitude: 40° 49' 01"; Longitude: -75° 40' 36") in Parryville Borough, Carbon County.

**E45-577. Jackson Township**, P. O. Box 213, Reeders, PA 18352, in Jackson Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Kettle Creek (HQ-CWF-MF) consisting of a 29"x45" reinforced concrete pipe, concrete flared end section and a riprap apron. The project is located on the east side of Twin Pine Road at its intersection with Running Valley Road (Saylorsburg, PA Quadrangle Latitude: 40° 59' 04"; Longitude: -75° 18' 23") in Jackson Township, Monroe County.

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-301-A2. Coraopolis Terminals Corp.**, P. O. Box 2621, Harrisburg, PA 17105. Moon Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant is proposing to perform maintenance dredging (730.0 feet long x 30.0 feet wide) in the channel and along the left bank of the Ohio River (WWF-N) for the purpose of expanding and improving operations at the existing Coraopolis Terminal Barge Facility. The project is located approximately 4,700.0 feet upstream from the Sewickley Bridge at Mile Post 10.8 and 11.0 (Ambridge, PA Quadrangle; N: 4.8 inches; W: 6.8 inches; Latitude: 40°-31'-35"; Longitude: 80°-10'-26") in Moon Township, Allegheny County and will impact approximately 730.0 linear feet of stream channel.

**E02-1673. Neville Island Terminals Corp.**, P. O. Box 2621, Harrisburg, PA 17105. Neville Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant is proposing to operate and maintain the existing barge mooring facility on the left bank of the Ohio River (WWF-N), to dredge and maintain the channel and along the left bank of said stream for a distance of 490.0 linear feet and 50.0 feet wide, to replace the existing pipe rack and wiring attached to the existing walkway, to replace the existing dock winch and to construct and maintain a shelter at the end of the existing walkway in the channel of said stream for the purpose of improving the existing barge mooring facility. The project is located on and along the left bank of said stream, approximately 1,500.0 feet downstream from the

Emsworth Dam (Emsworth, PA Quadrangle N: 0.75 inch; W: 13.25 inches; Latitude: 40°-30'-14"; Longitude: 80°-05'-42") in Neville Township, Allegheny County and will impact approximately 690.0 linear feet of stream channel. This permit will replace Permit No. E0275723 that was issued on August 12, 1975.

**E03-458. PennDOT District 10-0**, 2550 Oakland Ave. PO Box 429 Indiana, PA 15701, Kittanning & Manor Townships, **Armstrong County**; ACOE Pittsburgh District.

Applicant is proposing to remove the existing SR 422, 18 inch to 36 inch diameter culvert having a total length of 185 feet; construct and maintain a replacement 54 inch diameter 260 foot long RCP culvert depressed 6 inches in an unnamed tributary to Rupp Run (WWF) with a drainage area of 0.12 square mile; fill and maintain a total of 0.016 acre of permanent PEM wetland; and construct and maintain road associated stormwater outfalls. Stream mitigation will be completed at the site.

This project is associated with Theatre Road, SR 422 improvement work with these encroachments located approximately 3.5 miles east of Ford City in Kittanning and Manor Townships, Armstrong County (Mosgrove PA Quadrangle, North 7.3 inches and West 11.4 inches; Latitude 40° 47' 26" and Longitude -79° 27' 26").

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

**E10-460A. Cranberry Township**, 2525 Rochester Rd, Cranberry Township PA 16066. Parallel Interceptor Project Amendment, in Cranberry Twp, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 53"; W: 80°, 07', 13").

To amend permit E10-460, issued 2/16/2011, which authorized the applicant to construct and maintain an approximately 25,000-foot long interceptor sanitary sewer line parallel to an existing interceptor sewer from Powell Rd south to the Marshall Twp, Allegheny County line. Project involves 30 watercourse crossings, 15 wetland crossings, associated lines and structures, and stream bank stabilization at locations where the proposed line is parallel to and within 25 feet of Brush Creek. The project originally proposed to temporarily impact approximately 0.25 acre of stream and 0.60 acre of wetland.

Applicant proposes to expand the construction corridor from 14 ft to 40 ft for 3 wetland crossings and from 20 ft to 40 ft for all stream crossings. This amended proposal results in temporary impacts to 0.87 acre (1160 LF) of stream and 1.30 acre of wetland for utility line and equipment crossings and up to 1,350 LF of stream bank stabilization along Brush Creek.

**E62-429. City of Warren**, 318 West Third Avenue West, Warren, PA 16365. Wastewater Treatment Plant Expansion, in City of Warren, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 41°, 50', 21"; W: 79°, 09', 39").

To conduct renovations and alterations to the existing City of Warren Wastewater Treatment facility along Harmar Street located within the current FEMA mapped 100-year flood plain of the Allegheny River.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-054. Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick and Orwell Township, **Bradford County**, ACOE Baltimore District.



To construct, operate and maintain:

1. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 4,661 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 21", Longitude: -76° 17' 05");

2. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 77 linear feet of an unnamed tributary to Cold Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41° 49' 21", Longitude: -76° 17' 23");

3. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 7, 972 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 20", Longitude: -76° 17' 34");

4. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,742 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 20", Longitude: -76° 17' 36");

The project will result in 78 linear feet and 312 square feet of temporary stream impacts, and 14,375 square feet (0.33 acre) of temporary PEM wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

**E5829-035: Williams Field Services Company, LLC**, 1605 Coraopolis Heights Road, Moon Township, PA 15108, Harford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 6 inch diameter natural gas gathering pipeline crossing impacting 75 lineal feet of Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle; Lat. 41° 44' 10", Long. -75° 42' 39");

2. a 6 inch diameter natural gas gathering pipeline crossing impacting 100 lineal feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle; Lat. 41° 44' 35", Long. -75° 42' 31");

3. a 6 inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,910 square feet (0.16 acre) of a PEM wetland (Lenoxville, PA Quadrangle; Lat. 41° 44' 35", Long. -75° 42' 32").

The Orphan natural gas gathering line (13,249 feet) project will convey natural gas from the Carey and Adams well sites to the Williams—Zupp Pipeline located in Harford Township, Susquehanna County. The project will result in 175 linear feet (4,950 square feet) of temporary stream impacts and 0.16 acre (6,910 square feet) of temporary wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Telephone: 717.705.4802*

**EA01-008: Michael Hanson, Lake Heritage Property Owners Association (Water Quality BMPs)**, 1000 Heritage Drive, Gettysburg, Pennsylvania 17325, in Mount Pleasant Township, **Adams County**, ACOE Baltimore District

To: 1) install a single channel deflector, a single log vane, and excavate 0.51 acre of floodway of Plum Run

(WWF) (Gettysburg, PA Quadrangle; N: 12.61 inches, W: 6.50 inches; Latitude: 39°49'9.9", Longitude: -77°10'46.6"); and 2) install a single channel deflector and excavate 0.14 acre of floodway in an unnamed tributary to Plum Run (WWF) Gettysburg, PA Quadrangle; N: 12.33 inches, W: 7.41 inches; Latitude: 39°49'4.4", Longitude: -77°10'40"), all for the purpose of establishing a lower floodway and capturing sediment during high flows. The project is located at the upstream inlets of the Lake Heritage community in Mount Pleasant Township, Adams County.

*Northcentral Region: Program Manager, Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701*

**EA 08-006. Schrader Creek Watershed Association**, RR2, Box 292, Towanda, PA 18848. Acid mine drainage abatement project on an Unnamed Tributary to Long Valley Run, Franklin Township, **Bradford County**, ACOE Baltimore District

Schrader Creek Watershed Association proposes to construct, operate and maintain a Long Valley Run Site #4 Acid Mine Drainage passive treatment system and appurtenant structures to treat acid mine drainage discharges to an Unnamed Tributary (UNT) to Long Valley Run. The designated use of the UNT to Long Valley Run is High Quality-Cold Water Fishes. Construction of the treatment system will result in 0.14 acre of palustrine emergent (PEM)-palustrine scrub-shrub (PSS)-palustrine forested (PFO) wetland impacts and 40 linear feet of stream impacts to the UNT to Long Valley Run. (Powell Quadrangle; Latitude N 41° 39' 54.2"; Longitude W 76° 35' 25.8").

*Central Office: Environmental Program Manager, P. O. Box 8461, Harrisburg, PA 17105.*

**EA5610-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8461, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Stonycreek Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,165 linear feet of dangerous highwall. The project will include the backfilling of 0.24 acre of open water and 0.009 acre of wetlands that have developed within the open surface mine pits. (Stoystown Quadrangle N: 1 inch, W: 12 inches).

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D30-079 and D30-080. Foundation Mine Freshwater Impoundment Dam and Foundation Mine Sedimentation Pond W1 Dam. Foundation Mining, LLC**, P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. To construct Foundation Freshwater Impoundment and Foundation Sedimentation Pond W1 across an unnamed tributary to Garner Run (HQ-WWF), impacting 0.01 acre of wetlands (PEM/PSS) and 12,441 feet of stream and providing a minimum of 1:1 ratio of compensation for stream and wetland impacts. The freshwater impoundment will provide fresh water storage for the proposed Foundation Mine coal preparation process. The associated sedimentation pond will help control erosion and sedimentation on site. (Holbrook, PA Quadrangle N: 17.2 inches; W: 10.25 inches) in Jackson Township, Greene County. (Holbrook, PA Quadrangle N: 16.9 inches; W: 9.9 inches) in Jackson Township, **Greene County**.



## ACTIONS

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

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

## I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218693 Sewage	Luzerne Township Sewage Authority PO Box 241 Labelle, PA 15450	Fayette County Luzerne Township	Monongahela River	Y
PA0096130 Sewage	Nemacolin, Inc. 803 Pershing Boulevard Nemacolin, PA 15351	Greene County Cumberland Township	Monongahela River	Y
PA0098434 Sewage	Welcome Center I79 Whiteley, PA 15370	Greene County Whiteley Township	UNT of Whitely Creek	Y
PA0026026 Sewage	New Brighton Borough Sanitary Authority 2200 Concord Street New Brighton, PA 15066	Beaver County New Brighton Borough	Beaver River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221830 (Sewage)	West Sunbury Borough STP SR 138 N Washington Rd West Sunbury, PA 16061	Butler County West Sunbury Borough	unnamed tributary of South Branch Slippery Rock Creek (20-C)	Y

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

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

**NPDES Permit No. PA0013323 A-1, IW, The Boeing Company**, PO Box 16858, MC P29-14, Philadelphia, PA 19142-0858.

This proposed facility is located in Ridley Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to include use of new chemical additives from a facility known as Boeing Helicopters Ridley Facility to Crum Creek, Darby Creek and Delaware River in Watershed 3-G.

*PA DEP Central Office: Bureau of Point and Non-Point Source Management, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.*

**PA0270768, PECO Energy Co.**, 2301 Market Street, Philadelphia, PA 19103-1338. Facility Name: PECO Energy Transmission and Distribution System. The proposed activity will occur in up to eight counties in southeast Pennsylvania.

Description of Proposed Action: Issuance of a final NPDES Permit for discharges associated with the application of pesticides to control vegetation that can interfere with equipment located in transmission and distribution right-of-ways (ROWs) and at substations in over 230 municipalities of **Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Philadelphia** and **York Counties** in Pennsylvania.

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

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

**WQM Permit No. WQG02461204**, Sewage, **Upper Gwynedd Township**, PO Box 1, Parkside Place, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

**WQM Permit No. 0906404**, Sewage, **Toll PA XI, LP**, 250 Gibraltar Road, Horsham, PA 19044.

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

Description of Action/Activity: Permit renewal for the construction and operation of a 19,163 gpd wastewater treatment plant along with the transferring of ownership from Buckingham Township to Toll PA XI, LP.

**WQM Permit No. 1512407**, Sewage, **Borough of Kennett Square**, 120 Marshall Street, Kennett Square, PA 19348.

This proposed facility is located in Kennett Square Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a new chemical feed system for phosphorous removal and the inclusion of the existing septage receiving tank as a permanent component of the treatment plant.

**WQM Permit No. 5112401**, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107-2994.

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

Description of Action/Activity: Installation of gravity thickener facilities at the Philadelphia Water Department's Northeast Pollution Control Plant.

**WQM Permit No. WQG010040**, Sewage, **Robert B. Helverson, Jr.**, 1164 Richlandtown Pike, Richlandtown, PA 18955.

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

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant for a single family residence.

**WQM Permit No. 1512412**, Sewage, **West Goshen Township Sewer Authority**, 848 South Concord Road, West Chester, PA 19382.

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

Description of Action/Activity: Construction and operation of a new sanitary force main connecting 14 grinder pumps serving new homes to the existing West Goshen Township Sewer Authority wastewater system.

**WQM Permit No. 2312404**, Sewage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499.

This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure sanitary sewer extension utilizing individual grinder pumps.

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

**WQM Permit No. 3512403**, Sewerage, SIC Code 4952, **Abington Regional Wastewater Authority**, 200 Northern Boulevard, P. O. Box 199, Chinchilla, PA 18410-0199.

This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: This project involves upgrades to the Authority's existing wastewater treatment plant to increase hydraulic capacity and to provide for biological nitrogen removal and chemical phosphorus removal.

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

**WQM Permit No. 4111403**, Sewerage [SIC 4952], **Old Lycoming Area Authority**, 1951 Green Avenue, Williamsport, PA 17701.

This proposed facility is located in City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: Construction and operation of a wet weather flow management system consisting of a wet weather pump station and storage facility.

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

**WQM Permit No. 6571417-A5**, Sewerage, **Kiski Valley Water Pollution Control Authority**, 1361 School Road, Leechburg, PA 15656-4904

This existing facility is located in Allegheny Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q071R(3)	Dorney Park & Wildwater Kingdom 3830 Dorney Park Rd. Allentown, PA 18104	Lehigh	South Whitehall Twp.	Cedar Creek, HQ-CWF, MF
PAI024012001	PPL Electric Utilities Two North Ninth St. GENN 3 Allentown, PA 18101	Luzerne	Conyngham Twp., Hollenback Twp., Sugarloaf Twp., Hazle Twp.	Susquehanna River, WWF, MF; Little Wapwallopen Creek, HQ-CWF, MF; Wapwallopen Creek, HQ-CWF, MF; Nescopeck Creek, HQ-CWF, MF; Little Nescopeck Creek, HQ-CWF, MF Black Creek, CWF, MF Stony Creek, CWF, MF
PAI025211002	Masthope Mountain Communities, POA HC-1, Box 1A353 Lackawaxen, PA 18435	Pike	Lackawaxen Twp.	UNT to Delaware River, HQ-CWF, MF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045312002	James Hoopes 1820 Fox Hill Rd Ulysses PA 16948	Potter	Ulysses Township	Pine Creek HQ-CWF

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


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

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*
*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Concord Township Delaware County	PAG0200 2308054-R	Spring Latie, LP 234 North James Street Newport, DE 19804	West Branch Chester Creek (TSF-MF); Beaver Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 4610050	Paul Leonard 801 Loch Alsh Avenue Fort Washington, PA 19034	Pine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 4610049	Paul Leonard 801 Loch Alsh Avenue Fort Washington, PA 19034	Rapp Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4612004	Tom Harvey 555 Lancaster Avenue, Ste 200 Berwyn, PA 19312	West Branch Indian Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4611046	Stephen Shanahan 1500 Market Street Suite 32 West Tower Philadelphia, PA 19102	Zacharias Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Horsham Township Montgomery County	PAG0200 4612021	Joseph Coyle 530 Walnut Street Philadelphia, PA 19106	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511206	Chestnut Hill Monthly Meeting Religious Society of Friends 100 East Mermaid Lane Philadelphia, PA 19118-3507	Cresheim/Wissahickon Creeks (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethlehem Twp., Northampton County	PAG02004812004	KRE Bethlehem LP Tom Gough 520 U.S. Highway 22 P. O. Box 6872 Bridgewater, NJ 08807	Unnamed Tributary to the Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Williams Twp., Northampton County	PAG02004811012	Chrin Brothers, Inc. Gregory Chrin 635 Industrial Drive Easton, PA 18042	Lehigh River, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Salem Twp., Luzerne County	PAG02004011019(1)	Tech Packaging, Inc. Michael Hess 46 River Road Berwick, PA 18063	Susquehanna River, WWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Nanticoke City, Luzerne County	PAG02004012010	Geisinger Health System Richard Hardy 100 N. Academy Ave. Danville, PA 17822	Susquehanna River, WWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
City of Hazleton, Luzerne County	PAG2154006001R(3)	Hazelton Creek Properties, LLC 580 Third Ave. Kingston, PA 18704	Cranberry Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
West Mahanoy Twp., Schuylkill County	PAG02005405006R(2)	G.C.C. Realty 10 Gilberton Rd. Gilberton, PA 17934 Gilberton Power Co. 81 Eleanor Ave. Frackville, PA 17931	Mill Creek, CWF, MF Stoney Creek, CWF, MF Mahanoy Creek, WWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Washington Twp., Schuylkill County	PAG02005407014R	Edgewood Farms, LP PO Box 472 950 East Main St. Schuylkill Haven, PA 17972	Upper Little Swatara Creek, CWF, MF; Lower Little Swatara Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Freedom Twp. Adams County	PAG02000112018	Bert J. Waybright Mason Dixon Farms, Inc. 1800 Mason Dixon Road Gettysburg, PA 17325	Marsh Creek/ CWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Bethel Township Berks County	PAG02000612021	Al Picca PennDOT District 5-0 1002 Hamilton Street Allentown, PA 18101	Little Swatara Creek/ CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harrisburg City Dauphin County	PAG02002212016	US General Services Administration PO Box 1064 Harrisburg, PA 17108	Paxton Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Susquehanna Twp. Dauphin County	PAG02002212022	Commonwealth of Pennsylvania 18th and Herr Streets Harrisburg, PA 17125	Paxton Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
South Hanover Township Dauphin County	PAG02002210027R	ZUG Group, LP 4458 Candlewood Court Auburn Hills, MI 48326	Manada Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Greene Township Franklin County	PAG02002804043R	Tom Mongold Village Green Divinity Investments 418 Epic Drive Chambersburg, PA 17201	UNT to Rowe Run/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Montgomery Twp. Franklin County	PAG02002812017	Richard Hissong Mercer Vu Farms 12275 Mount Pleasant Road Mercersburg, PA 17236	UNT to Johnston Run/ WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Quincy Township Franklin County	PAG02002812018	Bob Gunder 7575 Mentzer Gap Road Waynesboro, PA 17268	West Branch Antietam Creek/ CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Southampton Twp. Franklin County	PAG02002812020	Andreas Zahariadis 5772 Timuquana Road Jacksonville, FL 32210	Middle Spring Creek/ CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
West Hempfield Township Lancaster County	PAG02003607044R	3733 Marietta Avenue Associates 1770 Oregon Pike Lancaster, PA 17601	UNT Chickies Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Conoy Township Lancaster County	PAG02003612042	Perdue Grain & Oilseed, LLC PO Box 1537 Salisbury, MD 21802	Susquehanna River/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Mount Joy Boro. Lancaster County	PAG02003612050	Cross Roads Brethren in Christ Church 800 Donegal Springs Road Mount Joy, PA 17552	UNT Donegal Creek/ CWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Twp. Lancaster County	PAG02003612054	Saint John Neumann Church 601 East Delp Road Lancaster, PA 17601	Landis Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Leacock Twp. Lancaster	PAG02003612055	Kurtis D. Thomas Two East Newport Road Intercourse, PA 17534	Muddy Run/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Brecknock Twp. Lancaster County	PAG02003612057	Ronald E. Gehman 1406 Bowmansville Road Mohnton, PA 19540	UNT Muddy Creek/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Bethel Township Lebanon County	PAG02003810022R	Ray Funk 425 Gravel Hill Road Palmyra, PA 17078	Beach Run/WWF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Swatara Township Lebanon County	PAG02003810013R	Mark Will Woodcrest Developers, LLC 400 North Cedar Street Lititz, PA 17543	UNT to Little Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Carroll Township & Dillsburg Boro. York County	PAG02006711059	Lee E. Eichelberger Four Barlo Circle, PO Box 432 Dillsburg, PA 17019	Fisher Run/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
York Township York County	PAG02006711049	Richard Hantgan Seven Church Lane Pikesville, MD 21208	South Branch Codorus Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Newberry Twp. York County	PAG02006709056R	Said Nabhan 960 Old Trail Road Etters, PA 17319	Fishing Creek/ CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Carroll Township York County	PAG02006705102R	Don Pownell PO Box 443 Elizabethtown, PA 17022	Stoney Run/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701  
570.327.3636*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Jersey Shore Borough Lycoming County	PAG02004112019	Bruce Rogers Jersey Shore Area Sc Dist 175 A&P Dr Jersey Shore PA 17740	Pfouts Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Clinton & Muncy Creek Townships & Montgomery & Muncy Boroughs Lycoming County	PAG02004112020	Eric Moore W Branch Regional Auth 35 S Main St Montgomery PA 17752	WB Susquehanna River, Black Run, Turkey Run & Adams Creek WWF, MF Black Hole Creek TSF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Franklin Township Armstrong County	PAG02000312003	East Franklin Township 106 Cherry Orchard Avenue Kittanning, PA 16201	UNT to Furnace Run (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724)548-3435
Hopewell Township Beaver County	PAG02000412011	James Palmer Beaver County Corporation for Economic Development 700 South Eisenhower Blvd. Middletown, PA 17057	UNT to Boggs Run (WWF) UNT to Trappmill Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
California Borough Washington County	PAG02006312028	California University of Pennsylvania: Student Association, Inc. 250 University Ave California, PA 15419	UNT to Pike Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cranberry Township Butler County	PAG02001012027	Cranberry Township Attn: Timothy S. Zinkham 2525 Rochester Road, Ste 400 Cranberry Township PA 16066	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Harborcreek Township Erie County	PAG02002511017(1)	Benderson Development Co 570 Delaware Avenue Buffalo NY 14202	Four Mile Creek WWF; MF	Erie County Conservation District 724-284-5270
City of Sharon Mercer County	PAG02004312004	Robert Fiscus Sharon Street Authority 155 West Connelly Blvd Sharon PA 16146	Shenango River WWF	Mercer County Conservation District 724-662-2242
Nicholson Township Fayette County	PAG-02 102612007	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	Jacobs Creek (WWF) to Monongahela River (WWF)	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924

*General Permit Type—PAG-03*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
South Coatesville Borough Chester County	PAR800076	Mittal Steel USA Railways, Inc. 139 Modena Road Coatesville, PA 19320	West Branch Brandywine Creek—3H	Southeast Region Clean Water Program 484.250.5970
West Rockhill Township Bucks County	PAR800169	Inergy Propane LLC 3115 State Road Telford, PA 19320	Unnamed Tributary of Mill Creek—3E	Southeast Region Clean Water Program 484.250.5970
Muhlenberg Township Berks County	PAR803661	Buckeye Energy Services LLC 5002 Buckeye Road PO Box 368 Emmaus PA 18049-0368	UNT to Laurel Run / WWF, MF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Shamokin Township Northumberland County	PAR604836	Joels Auto Parts 201 Joe's Road Sunbury, PA 17801	Unnamed Tributary of Shamokin Creek—6-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Clinton Township Lycoming County	PAR704821	Moxie Patriot LLC 612 Center Street South Suite 200 Vienna, VA 22180	Unnamed Tributary of West Branch Susquehanna River and Unnamed Tributary to West Branch Susquehanna River— 10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Dubois City Clearfield County	PAR604849	Joe Krentzman & Son Inc. 655 Dubois Street Dubois, PA 15801	Sandy Lick Creek—17-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Troy Township Bradford County	PAR314826	Patrik's Water Hauling USA Ltd 388 Elmira Street Troy, PA 16947	South Branch Sugar Creek—4-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Bentleyville Borough Washington County	PAR806243	First Student, Inc. 110 Perimeter Park Suite E Knoxville, TN 37922	UNT to Piney Fork	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
McKeesport City Allegheny County	PAR206166	US Steel Tubular Products, Inc. 600 Grant Street Pittsburgh, PA 15222	Monongahela River	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Arnold City Westmoreland County	PAR126104	Farmland Food, Inc. 2200 Rivers Edge Drive Arnold, PA 15068-4540	Allegheny River	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR808316	Vogel Disposal Service Inc. PO Box 1080, Mars, PA 16046-2911	Breakneck Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR808309	Crawford County Regional Airport Authority, P. O. Box 1011 Meadville, PA 16335	Unnamed Tributary to Van Horne Creek and Unnamed Tributary to Watson Run 16-D	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR808366	Buffalo & Pittsburgh Railroad, Inc. 316 Pine Street Warren, PA 16365	Municipal Separate Storm Sewer to Allegheny River 16-B	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAG098301	Williams Septic and Drain Service, 411 Williams Road, Reynoldsville, PA 15851	Williams Septic and Drain Service, 411 Williams Road, Reynoldsville, PA 15851	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG102247	Williams Field Services Company, LLC (Williams Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributaries to Hop Bottom Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system. Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of

appeal beyond that permitted by applicable statutes and decisional law.

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

<b>Permit No. 2912501</b> , Public Water Supply.
Applicant <b>McConnellsburg Borough Municipal Authority</b>
Municipality <b>Ayr Township</b>

County **Fulton**  
 Responsible Official Mahlon Shimer, Chairman  
 P O Box 218  
 McConnellsburg, PA 17233

Type of Facility The project consists of installation of a booster pump adjacent to the existing PRV on Cito Road to provide water to the high pressure zone of the distribution system during dry periods.

Consulting Engineer Laurence S Zimmermann, P.E.  
 Gannett Flemming, Inc.  
 PO Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct Issued: 8/16/2012

**Permit No. 3612514, Minor Amendment, Public Water Supply.**

Applicant **Turkey Hill, LP**  
 Municipality Pequea Township  
 County **Lancaster**  
 Responsible Official Jerry Book, Facilities Manager  
 257 Centerville Road  
 Lancaster, PA 17603

Type of Facility Installation of an anion exchange nitrate treatment system for Store No. 76.

Consulting Engineer James P Cinelli, P.E.  
 Liberty Environmental, Inc.  
 50 North Street  
 Reading, PA 19601

Permit to Construct Issued: 8/15/2012

**Operations Permit** issued to: **Liberty Village Apartments**, 7670136, Conewago Township, **York County** on 8/15/2012 for the operation of facilities approved under Construction Permit No. 6711511 MA.

**Operations Permit** issued to: **Republic Development Corporation**, 4440016, Granville Township, **Mifflin County** on 8/16/2012 for the operation of facilities approved under Construction Permit No. 4412502 MA.

**Operations Permit** issued to: **Manheim Borough Authority**, 7360078, Manheim Borough, **Lancaster County** on 8/16/2012 for the operation of facilities approved under Construction Permit No. 3612513.

**Operations Permit** issued to: **The York Water Company**, 7670100, West Manheim Township, **York County** on 8/15/2012 for the operation of facilities submitted under Application No. 6712514 MA.

**Operations Permit** issued to: **Shover Investment Group, LLC** (Bailey Run MHP), 7500029, Miller Township, **Perry County** on 8/16/2012 for the operation of facilities submitted under Application No. 7500029.

**Wellhead Protection Program Approval** issued to **Western Heights Water Authority**, 517 North Railroad Avenue, New Holland, PA 17557, PWSID 7360132, Earl Township, **Lancaster County** on June 14, 2012.

**Wellhead Protection Program Approval** issued to **Terre Hill Borough**, PO Box 250, 300 Broad Street, Terre Hill, PA 17581, PWSID 7360119, Terre Hill Borough, **Lancaster County** on June 14, 2012.

**Wellhead Protection Program Approval** issued to **New Holland Borough Water System**, 436 East Main Street, New Holland, PA 17557, PWSID 7360099, New Holland Borough, **Lancaster County** on August 10, 2012.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. Minor Amendment—Construction and Operation Public Water Supply.**

Applicant **Jersey Shore Area Joint Water Authority**  
 [Township or Borough] Jersey Shore Borough  
 County **Lycoming**  
 Responsible Official Mr. Michael Zellers  
 Jersey Shore Area Joint Water Authority  
 P. O. Box 5046  
 1111 Bardo Avenue  
 Jersey Shore, PA 17740

Type of Facility Public Water Supply  
 Consulting Engineer Dennis Norman, P.E.  
 Norman Engineered Designs, LLC  
 P. O. Box 126  
 3256 Woodward Ave.  
 Avis, PA 17721

Permit Issued August 15, 2012  
 Description of Action Construction and Operation of a bulk filling/metering station at Pine Creek plant.

**Permit No. Minor Amendment—Construction and Operation Public Water Supply.**

Applicant **Jersey Shore Area Joint Water Authority**  
 [Township or Borough] Pine Creek Township  
 County **Clinton**  
 Responsible Official Mr. Michael Zellers  
 Jersey Shore Area Joint Water Authority  
 P. O. Box 5046  
 1111 Bardo Avenue  
 Jersey Shore, PA 17740

Type of Facility Public Water Supply  
 Consulting Engineer Dennis Norman, P.E.  
 Norman Engineered Designs, LLC  
 P. O. Box 126  
 3256 Woodward Ave.  
 Avis, PA 17721

Permit Issued August 15, 2012  
 Description of Action Construction and Operation of a bulk filling/metering station at the Larrys Creek plant.

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

**Cancellation of Permit** issued to **Borough of Wampum**, PWSID #6370032, Wampum Borough, **Lawrence County** on July 10, 2012. This action represents the cancellation of Permit Number 2743 issued November 2, 1921, Permit Number 361-W7 issued September 27, 1961,

Permit Number 3780501 issued October 27, 1980 and Permit Number 3780501-MA1 issued April 15, 2011. This action is a result of the Borough of Wampum requesting to abandon Well No. 4.

**Interim Operation Permit** issued to **Erie City Water Authority**, PWSID #6250028, Millcreek Township, **Erie County**. Permit Number 2510505 Interim Operation 2 issued August 20, 2012 for the interim operation of the Richard S. Wasielewski Water Treatment Plant. This permit replaces Permit No. 2510505 Interim Operation, issued July 4, 2012, which is hereby revoked.

## 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:

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

**Patterson-UTI**, City of Lock Haven, **Clinton County**. Minuteman Spill Response, Inc., 2435 Housels Run Road, Milton, Pa 17847 on behalf of Faber Burning Company, 100 East Bald Eagle Street, Lock Haven, Pa 17745 has

submitted a Final Report concerning remediation of site soil contaminated with hydraulic oil. 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:

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



**Sloto Property**, 281 West Shore Drive, Paupack Township, **Wayne County**. Robert Osetreich and Kevin Donlon, Applied Service Corporation, P. O. Box 445, 38 Old Beaver Run Road, Lafayette, NJ 07848 submitted a Final Report to Remediate on behalf of their client, Jerald Sloto, 4481 County Line Road, Winfield, PA 17889, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on August 6, 2012.

**K-Mart 3266**, 18 Mark Plaza, Edwardsville Borough, **Luzerne County**. David A. Bogovich, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 submitted a Final Report on behalf of his client, Mark P. Plaza Fifty, LP, 1311 Mamaroneck Avenue, Suite 260, White Plains, NY 10605, concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release to an asphalt parking lot and adjacent soils from a failed emergency generator. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on August 8, 2012. The report was originally submitted within 90 days of the release.

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

**Reel, LLC**, Lamar Township **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Reel, LLC, Mr. Nazmi Hoxha, 2930 Schaffer Avenue Southeast, Suite C, Kentwood MI 49512 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene and Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 10, 2012.

**White Transportation Services**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of White Transportation Services, 3121 East Slaton Road, Lubbock, Texas 79404 has submitted a Final Report concerning the remediation of site soil contaminated with a diesel fuel release. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 13, 2012.

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

**Goss Gas Products Wolf's Head (Goss Gas Products Company—Property of the Former Wolf's Head Refinery)**, Borough of Sugar creek, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company dba Shell Oil Products US, One Shell Plaza, Room 687, 910 Louisiana, Houston, TX 77002 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soils contaminated with Acetone, Benzene, Ethylbenzene, Isopropylbenzene, Methylene Chloride, n-Propylbenzene, p-Isopropyltoluene, sec-Butylbenzene, tert-Butylbenzene, Toluene, m,p,o-Xylenes, Trichloroethene, Vinyl Chloride, 1,2,4-TMB, 1,3,5-TMB, 2-Butanone, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzyl Butyl Phthalate, Bis[2-ethylhexyl]phthalate, Carbazole, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Fluoranthene,

Fluorene, Indeno[1,2,3-cd]pyrene, Isophorone, Naphthalene, Phenanthrene, Phenol, Pyrene, 2,6-Dinitrotoluene, 2-Methylnaphthalene, Arsenic, Barium, Cadmium, Lead, Mercury, Selenium, Silver, Chromium and site groundwater contaminated with Benzene, Cyclohexane, Ethylbenzene, Isopropylbenzene, n-Butylbenzene, n-Propylbenzene, sec-Butylbenzene, tert-Butylbenzene, Toluene, m,p,o-Xylenes, 1,2,4-TMB, 1,3,5-TMB, 1,2,3-Trichlorobenzene, Acenaphthene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Chrysene, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Isophorene, Naphthalene, Phenanthrene, Phenol, Pyrene, Pyridine, 1-Methylnaphthalene, 2-Methylnaphthalene, Arsenic, Barium, Boron, Beryllium, Chromium, Iron, Lead, Manganese, Selenium, and Zinc. The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on August 15, 2012.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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. WMGM042. Penn England, LLC.**, 10341 Fox Run Road, Williamsburg, PA 16693.

General Permit Number WMGM042 is for the anaerobic digestion of animal manure generated on a farm to be blended with (a) grease trap waste and (b) pre-and-post consumer food waste from commercial and institutional establishments for beneficial use activity as follows:

1. The methane gas produced by the anaerobic digestion as fuel, including in the production of electricity.
2. The waste solids removed from the digester as animal bedding material at the farm; and
3. The liquid waste and solids removed from the digester as a soil additive for agricultural purposes.

The general permit was issued by Central Office on August 17, 2012.

Persons interested in reviewing the general permit may contact C. D. Vu, Chief, Permits Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit No. WMGR090R014M. Glenn O. Hawbaker**, 711 East College Avenue, Bellefonte, PA 16823. Registration under the general permit for processing and beneficial use of reclaimed asphalt pavement materials at the Burlington Facility in Burlington Township, **Bradford County**. The permit was issued by Northcentral Regional Office on August 3, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**General Permit Number WMGR128. Integrated Water Technologies, Inc.**, 2702-2800 Robinson Highway (SR 980), Bulger, PA 15019. General Permit Number WMGR128 authorizes beneficial use of crystalized sodium chloride and liquid calcium chloride generated at distillation facilities operating under General Permit Number WMGR123. The beneficial uses of crystalized sodium chloride and liquid calcium chloride include use as a deicer, for roadway dust suppression and for soil stabilization, as an ingredient in an industrial process to make a product, and as an effective substitute for a commercial product. The permit was issued by Central Office on August 13, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permit(s) Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**Permit No. 301358. Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. The permit modification is for a waste storage area for the Phoenix Resources Landfill. The permit was issued by Northcentral Regional Office on August 15, 2012.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service (800) 654-5984.

## **AIR QUALITY**

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

*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*

**GP5-65-00933A: Kriebel Minerals, Inc.** (633 Mayfield Road, PO Box 765 Clarion, PA 16214) on August 20, 2012, to allow the renewal of the authorization of the previously installed sources to use One (1) 145 bhp Caterpillar engine, One (1) 0.60 MMBtu/hr Natco dehydrator and a reboiler rated at 0.25 MMBtu/hr, One (1) 2,100 gallons waste oil storage tank, and Nine (9) additional storage tanks of various capacities at their Sony compressor station located in East Huntingdon Township, **Westmoreland County**.

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

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

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

**23-0009H: The Boeing Co.—Defense, Space & Security Rotorcraft Programs—Philadelphia** (PO Box 16858, Philadelphia, PA 19142) on August 15, 2012, for reconstruction of two (2) aerospace paint booths in Bldg 3-80 at their Boeing aircraft production plant in Ridley Township, **Delaware County**. This facility is a major facility. Emissions of volatile organic compounds (VOC) including organic hazardous air pollutants (HAP) will be controlled by use of compliant coatings, pursuant to 40 CFR Part 63 Subpart GG and 25 Pa. Code § 129.73. Emissions of particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) including inorganic HAP from paint overspray will be controlled by dry filter systems, certified 40 CFR 63.745(g)(2)(ii)(A) compliant. Concomitantly, Boeing has requested approval for combined emissions limits for the two reconstructed paint booths and a third, existing aerospace paint booth in Building 3-80, to allow tracking of emissions through a single mix room and its computerized data system. The combined emission limit for all three paint booths in Bldg 3-80 will be: 17.2 tons/yr VOC, 0.12 tons/yr PM<sub>10</sub>/PM<sub>2.5</sub> and 6.86 tons/yr HAP. All tons/yr limits are based on a 12-month rolling sum. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

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

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

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

**09-0206: Samax Enterprises** (1001 New Ford Mill Road, Morrisville, PA 19067) on August 10, 2012, to operate a methylene chloride mixing & packaging operations in Falls Township, **Bucks County**

**15-0002G: QG, LLC.** (4581 Lower Valley Road, Atglen, PA 19310) on August 15, 2012, to operate a new enclosed 10-unit rotogravure in West Sadsbury Township, **Chester County**

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

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

**32-00297F: Creps United Publications** (1163 Water Street, Indiana, PA 15701) on February 16, 2012, to extend the period of temporary operation of the Goss C550 heatset web lithographic printing press authorized under plan approval PA-32-00297F, until August 20, 2012, at Creps' printing facility located in White Township, **Indiana County**.

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

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

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

**46-00005: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486-0004) on August 16, 2012, for renewal of their Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**. The Title V Operating Permit was most recently issued on September 1, 2011. The facility's major emission points boilers, incinerators, power generation equipment, support equipment for R & D, and pharmaceutical manufacturing processes, which emit major levels of nitrogen oxides (NO<sub>x</sub>), Sulfur oxides (SO<sub>x</sub>), volatile organic compounds (VOCs), particulate matter (PM), and PM-10. CAM (40 CFR Part 64) was addressed at the previous renewal in 2007. All new and revised regulatory changes have been addressed in this renewal. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

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

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

**46-00107: ITW Philadelphia Resins** (130 Commerce Drive, Montgomeryville, PA 18936) on August 15, 2012, issued a State Only Operating Permit (Natural Minor) 46-00107 in Montgomery Township, **Montgomery County**. This action is a renewal of the State Only Operating Permit. The facility manufactures a variety of industrial adhesives, grouts and encapsulating epoxies. The permit was initially issued on 7/13/2002 and was renewed on 8/27/2007. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**21-05040: New Enterprise Stone & Lime Co., Inc.—dba Valley Quarries, Inc.** (470 Newville Road, Shippenburg, PA 17257-9504) on August 9, 2012, for their limestone crushing and hot mix asphalt facility in Southampton Township, **Cumberland County**. The State-only permit was renewed.

**67-05110: Wire Company Holdings, Inc.** (500 East Middle Street, Hanover, PA 17331-2027) on August 14, 2012, for their steel and aluminum wire screen cloth manufacturing facility in York City, **York County**. The State-only permit was renewed.

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

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

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

**OP-30-00148: Dana Mining Company of PA, LLC** (308 Dents Run Road, Morgantown, WV 26501) on August 16, 2012, for an administrative amendment issued to change the names of the responsible official and environmental contact for the 4 West Deep Mine to Patrick M. Murphy. The 4 West Deep Mine is located in Dunkard Township, **Greene County**.

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

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

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

**TV-04-00059: IPSCO Koppel Tubulars Corp.** (PO Box 750, Beaver Falls, PA 15010) Per Title 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increase at the IPSCO Koppel Tubulars Corp. facility located in Koppel Borough, **Beaver County**:

The project will not exceed 60 hours in duration; torch cutting will be conducted within a building and controlled by a truck mounted 45,000 cfm dust collector; the dust collector will exhaust inside the building; NO<sub>x</sub> emissions for the duration of the project will not exceed 0.1 tons; and this project will not trigger the requirements of Title 25 PA Code Subchapter E.

The list of de minimis increases is as follows:

January 2012, temporary ladle skull torch cutting operation.

August 2012, temporary ladle skull torch cutting operation.



## 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*

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To renew the permit for the Bailey Mine and Prep Plant in Richhill, Aleppo, Gray, and Morris Townships, **Greene County** and East Finley and West Finley Townships, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 10, 2012. Application received: October 28, 2011. Permit issued: August 12, 2012.

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

**56860105 and NPDES No. PA0597686. Croner, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 184.2 acres. Receiving stream(s): UNTS to Blue Lick Creek; Swamp Creek classified for the following use(s): cold water fishery; cold water fishery. (There are no potable water supply intakes within 10 miles downstream). Application received: May 11, 2012. Permit issued: August 9, 2012.

**05060101 and NPDES No. PA0262226. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661, transfer of an existing bituminous surface mine from Ferlitch Construction Company, Inc., 62 Woodland Terrace, Duncansville, PA 16635, located in Broadtop Township, **Bedford County**, affecting 95.0 acres. Receiving stream(s): Six Mile Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2012. Permit issued: August 10, 2012.

**32070102 and NPDES No. PA0262331. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 183.3 acres. Receiving stream(s): unnamed tributaries to and Toms Run to Conemaugh River and unnamed tributaries to Weirs Run to Blacklick Creek to Conemaugh River classified for the following use(s): cold water fishery. There are no potable water

supply intakes within 10 miles downstream. Application received: July 5, 2012. Permit issued: August 10, 2012.

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

**16110102 and NPDES Permit No. PA0259047. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Monroe Township, **Clarion County** affecting 144.5 acres. Receiving streams: Unnamed tributaries to Brush Run and unnamed tributaries to Piney Creek. Application received: March 17, 2011. Permit Issued: August 7, 2012.

**1475-16110102-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 75 feet of unnamed tributary Nos. 2, 6 and 9 to Piney Creek in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributaries to Brush Run and unnamed tributaries to Piney Creek. Application received: March 17, 2011. Permit Issued: August 7, 2012.

**1475-16110102-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 50 feet of unnamed tributary No. 8 to Brush Run in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributaries to Brush Run and unnamed tributaries to Piney Creek. Application received: March 17, 2011. Permit Issued: August 7, 2012.

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

**17000109 and NPDES No. PA0242985. Waroquier Coal, Inc.** (P. O. Box 128, Clearfield, PA 16830). Transfer of an existing bituminous surface mine from Kenneth K. Rishel & Sons, Inc. located in Lawrence Township, **Clearfield County** affecting 38.0 acres. Receiving streams: unnamed stream to Orr's Run and Orr's Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2011. Permit issued: August 10, 2012.

**17000109 and NPDES No. PA0242985. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 38.0 acres. Receiving streams: unnamed tributary to Orr's Run and Orr's Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 14, 2011. Permit issued August 10, 2012.

**17860122 and NPDES No. PA 0115410. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Renewal permit issued for reclamation only to an existing bituminous surface mine located Lawrence Township, **Clearfield County** affecting 490.5 acres. Receiving streams: Unnamed Tributary of Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 13, 2012. Permit issued August 10, 2012.

**17910125 and NPDES No. PA 0206733. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Renewal permit issued for reclamation only to an existing bituminous surface mine located Lawrence Township, **Clearfield County** affecting 112.6 acres. Receiving streams: Unnamed Tributary to Wallace Run and



McLaughlin Run to Little Clearfield Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 13, 2012. Permit issued August 10, 2012.

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

**54840105R5. Olde Buck Run Coal Co., Inc.**, (P. O. Box 4210, Seltzer, PA 17974), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 372.2 acres, receiving stream: West Branch Schuylkill River. Application received: October 15, 2009. Renewal issued: August 15, 2012.

**54840105T3. Olde Buck Run Coal Co., Inc.**, (P. O. Box 4210, Seltzer, PA 17974), transfer of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 372.2 acres, receiving stream: West Branch Schuylkill River. Application received: November 2, 2010. Transfer issued: August 15, 2012.

**54840105GP104. Olde Buck Run Coal Co., Inc.**, (P. O. Box 4210, Seltzer, PA 17974), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54840105 in Cass Township, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: November 2, 2010. Permit issued: August 15, 2012.

#### *Noncoal Permits Actions*

*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). Permit revision issued to add 70 acres for the continued operation and reclamation of a large noncoal surface mine, located in Springfield Township, **Fayette County**, affecting 640 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run. Revision application received: August 11, 2011. Permit issued: August 16, 2012.

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

**37020307. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing large industrial minerals mine to add limestone processing in Wayne Township, **Lawrence County** affecting 231.9 acres. Receiving streams: Unnamed tributary to Little Beaver River and unnamed tributary to Snake Run. Application received: April 16, 2012. Permit Issued: August 8, 2012.

**20122802. Sam H. Barnhart & Son** (41520 Diamond Street, Titusville, PA 16354) Commencement, operation and restoration of a small industrial minerals mine in Oil Creek Township, **Crawford County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Oil Creek. Application received: June 5, 2012. Permit Issued: August 15, 2012.

**20122802-GP-104. Sam H. Barnhart & Son** (41520 Diamond Street, Titusville, PA 16354) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20122802 in Oil Creek Township, **Crawford County**. Application received: June 5, 2012. Permit Issued: August 15, 2012.

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

**08100307 and NPDES No. PA 0257478. Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614). Commencement, operation and restoration of a large noncoal surface mine (shale and bluestone) located in Springfield Township, **Bradford County** affecting 62.9 acres. Receiving streams: Unnamed Tributary 1 to Bentley Creek classified for Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2010. Permit issued: August 6, 2012.

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

**58100303 and NPDES Permit No. PA0224871. Popple Construction, Inc.**, (215 East Saylor Avenue, Wilkes-Barre, PA 18702), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 158.0 acres, receiving stream: North Branch Wyalusing Creek. Application received: November 22, 2012. Permit issued: August 14, 2012.

**7975SM5GP104. KPK Development Corp.**, (1082 Temperance Lane, Richboro, PA 18954), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 7975SM5 in Falls Township, **Bucks County**, receiving stream: Delaware Canal/Rock Run. Application received: June 4, 2012. Permit issued: August 16, 2012.

#### **ABANDONED MINE RECLAMATION PROJECT**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg PA 15931-4119, Telephone (814) 472-1908*

<i>Government Financed Contract Awarded</i>	GFCC 31-11-01
<i>Location</i>	Shirley Township Huntingdon County Pennsylvania
<i>Description</i>	Government Financed Construction Contract Mount Union
<i>Contractor</i>	Robindale Energy Services, Inc. 224 Grange Hall Road PO Box 228 Armagh, PA 15920
<i>Amount</i>	\$154,804.00
<i>Date of Award</i>	August 3, 2012

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**30124004. Sheehan Pipeline Construction Co.** (2431 E 61st, Suite 700, Tulsa, OK 74136). Blasting activity permit for the construction of the M3 Appalachia Gathering System, located in Perry, etc. Townships,

**Greene County.** The duration of blasting is expected to last six months. Blasting permit issued: August 15, 2012.

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

**25124004. Craig Lawergren** (9754 Mark Road, Erie, PA 16509). Blasting activity permit for wetland improvements in Greene Township, **Erie County**. This blasting activity permit will expire on July 1, 2013. Permit Issued: August 7, 2012.

**37124002. Discovery Acquisition Services** (4141 Hockley Road, Katy, TX 77493) Blasting activity permit for seismic exploration in the City of New Castle, Bessemer, Ellwood City, Enon Valley, New Beaver, New Wilmington, SNJP, Volant, and Wampum Boroughs, Hickory, Little Beaver, Mahoning, Neshannock, North Beaver, Plain Grove, Pulaski, Scott, Shenango, Slippery Rock, Taylor, Union, Washington, Wayne, and Wilmington Townships, **Lawrence County**; Cherry, Marion, Mercer, and Slippery Rock Townships, Harrisville and Slippery Rock Boroughs, **Butler County**; East Lackawannock, Lackawannock, Liberty, Pine, Shenango, Springfield, and Wilmington Townships, **Mercer County**. This blasting activity permit will expire on May 4, 2013. Permit Issued: August 16, 2012.

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

**57124108. Maurer & Scott** (122 Thomas Street, Coopersburg, PA 18036-2100). Blasting for Reilly Natural Gas well pad and pad construction located in Colley Township, **Sullivan County**. Permit issued: August 14, 2012. Permit expires: December 31, 2012.

**14124004. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for residential development located in College Township, **Centre County**. Permit issued: August 15, 2012. Permit expires: September 1, 2013.

**41124112. Rock Work, Inc.** (1257 Dekalb Pike, Blue Bell, PA 19422-1864). Blasting for Stunner well pad and impoundments located in Gamble Township, **Lycoming County**. Permit issued: August 16, 2012. Permit expires: August 30, 2013.

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

**39124105. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Copley Creek Interceptor in Whitehall Township, **Lehigh County** with an expiration date of August 1, 2013. Permit issued: August 13, 2012.

**46124111. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Kingston Hill II in New Hanover Township, **Montgomery County** with an expiration date of July 25, 2013. Permit issued: August 13, 2012.

**64124104. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Roy Price Shale Bank in Damascus Township, **Wayne County** with an expiration date of August 8, 2013. Permit issued: August 14, 2012.

**36124145. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Providence Park in West Lampeter Township, **Lancaster County** with an expiration date of July 31, 2013. Permit issued: August 15, 2012.

**58124173. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Keenan East

Well Pad in Choconut and Forest Lake Townships, **Susquehanna County** with an expiration date of August 30, 2013. Permit issued: August 16, 2012.

**58124174. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Shafer Well Pad in Silver Lake Township, **Susquehanna County** with an expiration date of August 30, 2013. Permit issued: August 16, 2012.

**36124143. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Laurel Pond in Manheim Township, **Lancaster County** with an expiration date of August 9, 2013. Permit issued: August 17, 2012.

**67124106. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Lands of LDR, LLC in Peach Bottom Township, **York County** with an expiration date of August 31, 2013. Permit issued: August 17, 2012.

**67124107. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for I-83 Corporate Center in the City of York, **York County** with an expiration date of February 28, 2013. Permit issued: August 17, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E51-251. 121 Point Breeze Management Corporation**, 6300 W. Passyunk Avenue, Philadelphia, PA 19153-3517, City and County of Philadelphia, ACOE Philadelphia District.

To construct and maintain approximately 450 linear feet of 7.5-foot-wide walkway and approximately 763 square feet of timber pile-supported dock in and along the Schuylkill River (WWF, MF). The facility will include two 10-inch petroleum pipelines from the dock to the existing Point Breeze facility. The site is located approximately 14,500 feet upstream of the confluence of the Schuylkill River with the Delaware River (Philadelphia, PA-NJ, USGS Quadrangle N: 6.5 inches, W: 12.75 inches).

The issuance of this permit also constitutes approval of a water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E51-253. Brian Mohl**, City of Philadelphia, Philadelphia Water Department, Office of Watersheds, 1101 Market St., 4th Floor, Philadelphia, PA 19107, **Philadelphia County**, ACOE Philadelphia District.

The Cobbs Creek Watershed Improvement Project located at the confluence of the East and West branches of Indian Creek (WWF, MF). Flow of the West Branch will be diverted from an existing culvert to a created natural stream channel. Bank stabilization, restoration of a riparian buffer and debris removal will be conducted. Specific water obstruction and encroachment activities consist of:

- 1) To create and maintain approximately 1300 linear feet of stream channel with an approximate width of 40 feet to convey the West Branch. This work includes creation of forested riparian buffers, habitat improvement measures and temporary access roads in and along the new channel.
- 2) To remove approximately 700 linear feet of the existing brick culvert.
- 3) To reconstruct and maintain the existing combined CSO structure within the footprint of the existing brick culvert to serve as temporary storage for CSO discharges.
- 4) To stabilize and maintain the channel and banks of the existing branches. All disturbed areas will be stabilized and replanted with native plants.

The site is located approximately 1000 feet northeast of the intersection of Haverford Avenue and Lansdowne Avenue (Lansdowne, PA USGS Quadrangle N: 18.01 inches; W: 1.52 inches).

The issuance of this permit also constitutes approval of a water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E46-1078. Pennsylvania Department of Transportation, District 6**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Norristown Municipality, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the improvement of the Main Street arch bridge, S.R. 0202-Section 520, across Stony Creek (TSF):

1. To rehabilitate and maintain the existing Main Street arch bridge by attaching a steel plate liner to the inner surface of the arch. This work includes placement of rip-rap associated with scour protection at the upstream side of the bridge.
2. To place and maintain temporary support piles in the stream, immediately upstream and downstream of the bridge associated with the working platform.
3. To construct and maintain an outfall structure.

The project will permanently impact approximately 103 linear feet of stream. The site is located approximately 300 feet northwest of the intersection of Markley and Main Streets in the Norristown Municipality, Montgomery County (Norristown, PA, USGS Quadrangle N: 21.26 inches; W: 13.97 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E40-727. John Gregg**, 578 Jackson Road, Dallas, PA 18612. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 460 square foot pile supported dock in Harvey's Lake. The project is located along SR 415 (Lakeside Drive) at Pole #156 (Harveys Lake, PA Quadrangle Latitude: 41°22'22.25"; Longitude: -76°2'50.27"). Subbasin: 4G

**E13-167. Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. Penn Forest Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with PA Turnpike Northeast Extension SR 903 All Electronic Interchange Project:

1. (NB-606 Culvert Extension) To modify and maintain an existing 150-foot long, 11-foot by 7-foot concrete box stream enclosure carrying a UNT to Stony Creek (EV) under the northbound and southbound lanes of the PA Turnpike Northeast extension. Modifications include retrofitting the existing stream enclosure with fish baffles and extending the upstream end an additional 76 feet for the construction of Access Ramp D.
2. (NB-604 Culvert Extension) To modify and maintain an existing 95-foot long, 11-foot by 8-foot concrete box culvert carrying Stony Creek (EV) under the northbound and southbound lanes of the PA Turnpike Northeast Extension. Modifications include retrofitting the culvert with fish baffles and extending both the upstream and downstream ends an additional 9 feet for the construction of Access Ramps A&B.
3. (NB-608 Culvert) To construct and maintain a road crossing (Access Ramp C) of a UNT to Stony Creek (EV)



consisting of a 70-foot long open-bottom concrete arch with concrete wing walls having a 16-foot span and an 8-foot underclearance.

4. (SR 903 Culvert) To remove the existing 34-foot long twin cell box culvert and to construct and maintain a road crossing (SR 903) of a UNT to Stony Creek (EV) consisting of a 90-foot long open-bottom concrete arch with concrete wing walls having a 12-foot span and a 7-foot underclearance.

5. To fill and relocate approximately 1,140 feet of the channel of a UNT to Stony Creek (EV) for the purpose of constructing Access Ramp B.

6. To fill and relocated approximately 1,039 feet of the channel of a UNT to Stony Creek (EV) for the purpose of constructing Access Ramp A.

7. To fill and relocate approximately 381 feet of the channel of a UNT to Stony Creek (EV) for the purpose of constructing Access Ramp A.

8. To fill 3.63 acres of wetlands within the Stony Creek Watershed (EV).

The permittee is required to provide 3.63 acre(s) of replacement wetlands. The project is located at the intersection of the Northeast Extension of the PA Turnpike and SR 0903 (Christmans and Pohopoco Mountain, PA Quadrangles Latitude: 40° 59' 18.4"; Longitude: -75° 37' 49.4") in Penn Forest Township, Carbon County. Subbasin: 2A

**E39-499A. Northeastern ITS, LLC**, 800 Woodlands Parkway, Suite 118, Ridgeland, MS 39157. Catasauqua Borough, City of Allentown, City of Bethlehem, Hanover Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E39-499 to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originated in Cleveland, OH. A total of 8.83 miles was traversed for the amendment of the Lehigh County portion beginning at the Northampton County/ Lehigh County border on the Norfolk Southern railroad line (Catasauqua, PA Quadrangle Latitude: 40°39'20.69"; Longitude: -75°28'53.14") and ending at the Lehigh County/ Northampton County border on the Norfolk Southern railroad bridge crossing the Lehigh River (Allentown East, PA Quadrangle Latitude: 40°36'52.36"; Longitude: -75°23'8.39"). The applicant crossed a total of 10 streams in Lehigh County via boring, trenching, or bridge attachment. The crossings are listed below:

1. City of Bethlehem; Latitude: 40° 36' 56.16"; Longitude: -75° 23' 11.40"; Lehigh Canal (CWF, MF)

2. City of Bethlehem; Latitude: 40° 37' 2.64"; Longitude: -75° 24' 37.08"; Lehigh Canal (CWF, MF)

3. City of Bethlehem; Latitude: 40° 37' 4.8"; Longitude: -75° 24' 48.6"; Lehigh Canal (CWF, MF)

4. City of Allentown; Latitude: 40° 36' 58.32"; Longitude: -75° 27' 14.04"; Lehigh Canal (CWF, MF)

5. City of Allentown; Latitude: 40° 37' 1.56"; Longitude: -75° 27' 16.92"; Tributary to Lehigh River (CWF, MF)

6. City of Allentown; Latitude: 40° 37' 25.32"; Longitude: -75° 27' 29.88"; Tributary to Lehigh River (CWF, MF)

7. City of Allentown; Latitude: 40° 37' 36.12"; Longitude: -75° 27' 36.36"; Tributary to Lehigh River (CWF, MF)

8. Hanover Township; Latitude: 40° 38' 13.2"; Longitude: -75 27' 47.52"; Tributary to Lehigh River (CWF, MF)

9. Catasauqua Borough; Latitude: 40° 38' 41.64"; Longitude: -75 27' 54.72"; Tributary to Lehigh River (CWF, MF)

10. Catasauqua Borough; Latitude: 40° 38' 51.36"; Longitude: -75° 28' 7.32"; Catasauqua Creek (HQ-CWF, MF)

E39-499 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originated in Cleveland, OH and terminated in New Jersey running approximately 450 miles. A total of 18.9 miles was traversed for the Lehigh County portion of the proposed project beginning at the Schuylkill County/ Lehigh County border on State Route 309 (Slatedale, PA Quadrangle Latitude: 40°42'23"; Longitude: -75°48'28") and ending at the Lehigh County/ Northampton County border on State Route 329 (Catasauqua, PA Quadrangle Latitude: 40°41'25"; Longitude: -75°30'13"). The applicant proposed to cross a total of 18 streams in Lehigh County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

1. Lynn Township; Latitude: 40°42'55"; Longitude: -75°46'04"; Tributary to Ontelaunee Creek (EV, MF)

2. Lynn Township; Latitude: 40°42'25"; Longitude: -75° 45'39"; Ontelaunee Creek (EV, MF)

3. Lynn Township; Latitude: 40°41'18"; Longitude: -75° 44'45"; School Creek (EV, MF)

4. Lynn Township; Latitude: 40°41'62"; Longitude: -75° 44'33"; Tributary to School Creek (EV, MF)

5. Lynn Township; Latitude: 40°40'51"; Longitude: -75° 43'41"; Tributary to School Creek (EV, MF)

6. Heidelberg Township; Latitude: 40°40'47"; Longitude: -75°42'53"; Tributary to Jordan Creek (HQ-CWF, MF)

7. Heidelberg Township; Latitude: 40°40'49"; Longitude: -75°41'54"; Tributary to Jordan Creek (HQ-CWF, MF)

8. Heidelberg Township; Latitude: 40°40'55"; Longitude: -75°41'36"; Jordan Creek (TSF, MF)

9. Heidelberg Township; Latitude: 40°40'59"; Longitude: -75°41'30"; Tributary to Jordan Creek (HQ-CWF, MF)

10. Heidelberg Township; Latitude: 40°41'09"; Longitude: -75°40'48"; Tributary to Jordan Creek (HQ-CWF, MF)

11. Heidelberg Township; Latitude: 40°40'42"; Longitude: -75°38'47"; Tributary to Mill Creek (CWF, MF)

12. Heidelberg Township; Latitude: 40°40'36"; Longitude: -75°38'24"; Mill Creek (CWF, MF)

13. North Whitehall Township; Latitude: 40°40'46"; Longitude: -75°37'45"; Tributary to Mill Creek (CWF, MF)

14. North Whitehall Township; Latitude: 40°40'14"; Longitude: -75°35'42"; Coplay Creek (CWF, MF)

15. North Whitehall Township; Latitude: 40°40'41"; Longitude: -75°35'40"; Tributary to Coplay Creek (CWF, MF)

16. North Whitehall Township; Latitude: 40°40'36"; Longitude: -75°34'29"; Tributary to Coplay Creek (CWF, MF)

17. Whitehall Township; Latitude: 40°41'24"; Longitude: -75°30'12"; Lehigh River (TSF, MF)



18. Lynn Township; Latitude: 40°40'59"; Longitude: -75°44'23"; Tributary to School Creek (WWF, MF). Sub-basin: 2C

**E48-407A. Northeastern ITS, LLC**, 800 Woodlands Parkway, Suite 118, Ridgeland, MS 39157. Northampton Borough, North Catasauqua Borough, City of Bethlehem, Lower Saucon Township, Williams Township, City of Easton, Glendon Borough, **Northampton County**, Army Corps of Engineers Philadelphia District.

To Amend Permit No. E48-407A to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originates in Cleveland, OH. A total of 14.42 miles was traversed for the amendment of the Northampton County portion beginning at the Northampton County/Lehigh County border on the Norfolk Southern railroad bridge crossing the Lehigh River (Allentown East, PA Quadrangle Latitude: 40°36'52.36"; Longitude: -75°23'8.39") and ending at the Northampton County border on the Norfolk Southern railroad bridge crossing the Delaware River (Easton, PA Quadrangle Latitude: 40°41'15.45"; Longitude: -75°12'8.17"). The applicant crossed a total of 19 additional streams in Northampton County via boring, trenching, or bridge attachment. The crossings are listed below:

1. City of Easton; Latitude: 40° 41' 15.72"; Longitude: -75° 12' 9.36"; Delaware River (WWF, MF)
2. City of Easton; Latitude: 40° 41' 14.64"; Longitude: -75° 12' 18.36"; Tributary to Delaware River (CWF, MF)
3. City of Easton; Latitude: 40° 41' 9.24"; Longitude: -75° 12' 31.32"; Tributary to Lehigh River (CWF, MF)
4. City of Easton; Latitude: 40° 40' 57.36"; Longitude: -75° 13' 11.28"; Tributary to Lehigh River (CWF, MF)
5. City of Easton; Latitude: 40° 40' 54.84"; Longitude: -75° 13' 29.28"; Tributary to Lehigh River (CWF, MF)
6. Glendon Borough; Latitude: 40° 39' 46.08"; Longitude: -75° 14' 14.64"; Tributary to Lehigh River (CWF, MF)
7. City of Easton; Latitude: 40° 39' 21.24"; Longitude: -75° 14' 43.44"; Tributary to Lehigh River (CWF, MF)
8. Williams Township; Latitude: 40° 39' 5.4"; Longitude: -75° 15' 1.8"; Tributary to Lehigh River (CWF, MF)
9. City of Easton; Latitude: 40° 38' 49.92"; Longitude: -75° 15' 42.48"; Tributary to Lehigh River (CWF, MF)
10. Lower Saucon Township; Latitude: 40° 38' 24"; Longitude: -75° 16' 53.04"; Tributary to Lehigh River (CWF, MF)
11. Lower Saucon Township; Latitude: 40° 38' 6"; Longitude: -75° 18' 0.72"; Bull Run (CWF, MF)
12. City of Bethlehem; Latitude: 40° 37' 10.2"; Longitude: -75° 20' 8.88"; Saucon Creek (CWF, MF)
13. City of Bethlehem; Latitude: 40° 37' 2.64"; Longitude: -75° 21' 24.12"; Tributary to Lehigh River (CWF, MF)
14. City of Bethlehem; Latitude: 40° 36' 51.12"; Longitude: -75° 22' 55.56"; Tributary to Lehigh River (CWF, MF)
15. City of Bethlehem; Latitude: 40° 36' 52.56"; Longitude: -75° 23' 6.36"; Lehigh River (CWF, MF)
16. North Catasauqua Borough; Latitude: 40° 39' 30.96"; Longitude: -75° 28' 56.64"; Tributary to Lehigh River (CWF, MF)

17. North Catasauqua Borough; Latitude: 40° 39' 39.6"; Longitude: -75° 28' 57.36"; Tributary to Lehigh River (CWF, MF)

18. Northampton Borough; Latitude: 40° 40' 19.56"; Longitude: -75° 29' 3.84"; Dry Run (CWF, MF)

19. Northampton Borough; Latitude: 40° 40' 39.72"; Longitude: -75° 29' 21.48"; Hokendaugua Creek (CWF, MF)

To authorize the construction and maintenance of additional conduit fiber optic crossings of the following watercourses:

1. City of Easton; Latitude: 40° 41' 44.88"; Longitude: -75° 12' 19.8"; Bushkill Creek (HQ-CWF, MF)
2. City of Easton; Latitude: 40° 41' 36.96"; Longitude: -75° 12' 59.04"; Bushkill Creek (HQ-CWF, MF)
3. City of Easton; Latitude: 40° 41' 40.2"; Longitude: -75° 12' 16.67"; Delaware River (WWF, MF)

E48-407 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originated in Cleveland, OH and terminated in New Jersey running approximately 450 miles. A total of 18.5 miles was traversed for the Northampton County portion of the proposed project beginning at the Lehigh County/ Northampton County border on State Route 329 (Catasauqua, PA Quadrangle Latitude: 40°41'25"; Longitude: -75°30'13") and ending at the Northampton County/ New Jersey border on the Northampton Street Bridge (Easton, PA Quadrangle Latitude: 40°41'29"; Longitude: -75°12'14"). The applicant proposed to cross a total of 13 streams in Northampton County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

1. Northampton Borough & Allen Township; Latitude: 40°41'39"; Longitude: -75°29'28"; Indian Creek (CWF, MF)
2. Allen Township; Latitude: 40°41'43"; Longitude: -75°29'01"; Water Filled Quarry in the Hokendaugua Creek Watershed (CWF, MF)
3. Allen Township; Latitude: 40°41'48"; Longitude: -75°28'03"; Tributary to Lehigh River (CWF, MF)
4. East Allen Township; Latitude: 40°41'18"; Longitude: -75°27'05"; Catasauqua Creek (CWF, MF)
5. Lower Nazareth Township; Latitude: 40°40'20"; Longitude: -75°21'09"; East Branch Monocacy Creek (HQ-CWF, MF)
6. Palmer Township; Latitude: 40°41'59"; Longitude: -75°15'08"; Tributary to Bushkill Creek (HQ-CWF, MF)
7. Palmer Township; Latitude: 40°42'12"; Longitude: -75°15'09"; Bushkill Creek (HQ-CWF, MF)
8. Easton Borough; Latitude: 40°41'29"; Longitude: -75°12'17"; Bushkill Creek (HQ-CWF, MF)
9. Easton Borough; Latitude: 40°41'45"; Longitude: -75°12'20"; Delaware River (WWF, MF)
10. Lower Nazareth Township; Latitude: 40°41'27"; Longitude: -75°20'36"; Tributary to East Branch Monocacy Creek (HQ-CWF, MF)
11. East Allen Township; Latitude: 40°41'01"; Longitude: -75°25'49"; Tributary to Catasauqua Creek (CWF, MF)
12. Lower Nazareth Township; Latitude: 40°41'41"; Longitude: -75°19'39"; Tributary to Monocacy Creek (HQ-CWF, MF)

13. Easton Borough; Latitude: 40°41'40"; Longitude: -75°15'49"; Tributary to Bushkill Creek (HQ-CWF, MF). Subbasin: 2C.

**E54-343A. Northeastern ITS, LLC**, 800 Woodlands Parkway, Suite 118, Ridgeland, MS 39157. Ashland Borough, Butler Township, Gilberton Borough, Mahanoy City, Mahanoy Township, Ryan Township, Rush Township, Tamaqua Borough, Walker Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E54-343 to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originates in Cleveland, OH. A total of 27.76 miles was traversed for the amendment of the Schuylkill County portion beginning at the intersection of River Road and the Reading Blue Mountain & Northern railroad line in Tamaqua (New Ringgold, PA Quadrangle Latitude: 40°44'25.46"; Longitude: -75°58'16.52") and ending at the intersection of Route 61 and the Reading Blue Mountain & Northern railroad line in Ashland (Ashland, PA Quadrangle Latitude: 40°46'44.73"; Longitude: -76°20'15.80").

The applicant crossed a total of 42 additional streams in Schuylkill County via boring, trenching, or bridge attachment. The crossings are listed below:

1. Walker Township; Latitude: 40° 44' 53.88"; Longitude: -75° 57' 55.44"; Tributary to Little Schuylkill River (CWF, MF)
2. Walker Township; Latitude: 40° 45' 11.88"; Longitude: -75° 56' 55.68"; Tributary to Little Schuylkill River (CWF, MF)
3. Walker Township; Latitude: 40° 45' 45 "; Longitude: -75° 57' 20.52"; Tributary to Little Schuylkill River (CWF, MF)
4. Walker Township; Latitude: 40° 46' 47.28"; Longitude: -75° 57' 42.12"; Rabbit Run (CWF, MF)
5. Walker Township; Latitude: 40° 47' 10.68"; Longitude: -75° 57' 56.16"; Tributary to Little Schuylkill River (CWF, MF)
6. Tamaqua Borough; Latitude: 40° 47' 26.52"; Longitude: -75° 58' 1.2"; Tributary to Little Schuylkill River (CWF, MF)
7. Tamaqua Borough; Latitude: 40° 47' 32.64"; Longitude: -75° 58' 6.6"; Tributary to Little Schuylkill River (CWF, MF)
8. Tamaqua Borough; Latitude: 40° 47' 43.44"; Longitude: -75° 58' 10.92"; Wabash Creek (CWF, MF)
9. Tamaqua Borough; Latitude: 40° 47' 51.36"; Longitude: -75° 58' 11.28"; Tributary to Wabash Creek (CWF, MF)
10. Tamaqua Borough; Latitude: 40° 48' 29.88"; Longitude: -75° 58' 21.36"; Tributary to Little Schuylkill River (CWF, MF)
11. Rush Township; Latitude: 40° 48' 44.28"; Longitude: -75° 58' 51.6"; Little Schuylkill River (CWF, MF)
12. Rush Township; Latitude: 40° 48' 38.52"; Longitude: -75° 59' 16.44"; Little Schuylkill River (CWF, MF)
13. Rush Township; Latitude: 40° 48' 36.72"; Longitude: -75° 59' 34.8"; Little Schuylkill River (CWF, MF)
14. Rush Township; Latitude: 40° 48' 36.72"; Longitude: -75° 59' 44.88"; Little Schuylkill River (CWF, MF)
15. Rush Township; Latitude: 40° 48' 42.48"; Longitude: -75° 59' 52.44"; Tributary to Little Schuylkill River (CWF, MF)
16. Rush Township; Latitude: 40° 49' 17.76"; Longitude: -76° 00' 45"; Pine Creek (CWF, MF)
17. Rush Township; Latitude: 40° 49' 10.2"; Longitude: -76° 01' 5.16"; Pine Creek (CWF, MF)
18. Rush Township; Latitude: 40° 49' 9.12"; Longitude: -76° 01' 9.12"; Tributary to Pine Creek (CWF, MF)
19. Rush Township; Latitude: 40° 48' 58.32"; Longitude: -76° 01' 27.48"; Tributary to Pine Creek (CWF, MF)
20. Rush Township; Latitude: 40° 48' 56.88"; Longitude: -76° 01' 34.68"; Tributary to Pine Creek (CWF, MF)
21. Ryan Township; Latitude: 40° 48' 46.8"; Longitude: -76° 04' 49.44"; Tributary to Hosensock Creek (CWF, MF)
22. Ryan Township; Latitude: 40° 48' 43.2"; Longitude: -76° 04' 59.16"; Tributary to Hosensock Creek (CWF, MF)
23. Ryan Township; Latitude: 40° 48' 42.12"; Longitude: -76° 05' 3.48"; Tributary to Hosensock Creek (CWF, MF)
24. Ryan Township; Latitude: 40° 48' 41.4"; Longitude: -76° 05' 5.64"; Tributary to Hosensock Creek (CWF, MF)
25. Ryan Township; Latitude: 40° 48' 41.4"; Longitude: -76° 05' 6"; Tributary to Hosensock Creek (CWF, MF)
26. Ryan Township; Latitude: 40° 48' 41.76"; Longitude: -76° 05' 7.44"; Tributary to Hosensock Creek (CWF, MF)
27. Ryan Township; Latitude: 40° 48' 41.4"; Longitude: -76° 05' 11.04"; Tributary to Hosensock Creek (CWF, MF)
28. Mahanoy Township; Latitude: 40° 49' 16.68"; Longitude: -76° 06' 1.8"; Mahanoy Creek (WWF, MF)
29. Mahanoy Township; Latitude: 40° 48' 52.92"; Longitude: -76° 08' 5.28"; Tributary to Mahanoy Creek (CWF, MF)
30. Mahanoy City; Latitude: 40° 48' 51.12"; Longitude: -76° 08' 15.36"; Mahanoy Creek (WWF, MF)
31. Mahanoy City; Latitude: 40° 48' 48.6"; Longitude: -76° 08' 29.04"; North Mahanoy Creek (CWF, MF)
32. Mahanoy City; Latitude: 40° 48' 46.8"; Longitude: -76° 08' 38.4"; Mahanoy Creek (WWF, MF)
33. Mahanoy Township; Latitude: 40° 48' 41.76"; Longitude: -76° 09' 5.76"; Tributary to Mahanoy Creek (CWF, MF)
34. Mahanoy Township; Latitude: 40° 48' 11.88"; Longitude: -76° 10' 38.64"; Tributary to Mahanoy Creek (CWF, MF)
35. Gilberton Borough; Latitude: 40° 47' 57.84"; Longitude: -76° 12' 30.6"; Tributary to Mahanoy Creek (CWF, MF)
36. Gilberton Borough; Latitude: 40° 47' 47.4"; Longitude: -76° 13' 45.12"; Mahanoy Creek (WWF, MF)
37. Gilberton Borough; Latitude: 40° 47' 46.68"; Longitude: -76° 13' 51.6"; Mahanoy Creek (WWF, MF)
38. Gilberton Borough; Latitude: 40° 47' 40.56"; Longitude: -76° 14' 17.52"; Mahanoy Creek (WWF, MF)
39. Butler Township; Latitude: 40° 47' 29.4"; Longitude: -76° 16' 14.88"; Tributary to Mahanoy Creek (CWF, MF)

40. Ashland Borough; Latitude: 40° 46' 49.44"; Longitude: -76° 20' 3.12"; Tributary to Mahanoy Creek (CWF, MF)

41. Ashland Borough; Latitude: 40° 46' 47.29 "; Longitude: -76° 20' 9.35"; Mahanoy Creek (WWF, MF)

42. Ashland Borough; Latitude: 40° 46' 42.96"; Longitude: -76° 20' 20.4"; Mahanoy Creek (WWF, MF)

E54-343 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originated in Cleveland, OH and terminated in New Jersey running approximately 450 miles. A total of 41.2 miles was traversed for the Schuylkill County portion of the proposed project beginning at the Columbia County/ Schuylkill County border on Main Street (S.R. 4028) (Mount Carmel, PA Quadrangle Latitude: 40°46'38"; Longitude: -76°22'31") and ending at the Schuylkill County/ Lehigh County border on State Route 309 (New Tripoli, PA Quadrangle Latitude: 40°42'23"; Longitude: -75°48'28"). The applicant proposed to cross a total of 21 streams in Schuylkill County via boring, trenching, or bridge attachment. The crossings are listed below:

1. Butler Township; Latitude: 40°46'39"; Longitude: -76°22'27"; Tributary to Mahanoy Creek (CWF, MF)

2. Butler Township; Latitude: 40°46'37"; Longitude: -76°22'17"; Tributary to Mahanoy Creek (CWF, MF)

3. Butler Township; Latitude: 40°46'16"; Longitude: -76°20'15"; Mahanoy Creek (CWF, MF)

4. Frackville Borough; Latitude: 40°46'46"; Longitude: -76°14'27"; Little Mahanoy Creek (CWF, MF)

5. West Mahanoy Township; Latitude: 40°46'51"; Longitude: -76°12'46"; Stony Creek (CWF, MF)

6. West Mahanoy Township; Latitude: 40°47'11"; Longitude: -76°11'04"; Tributary to Mill Creek (CWF, MF)

7. West Mahanoy Township; Latitude: 40°47'11"; Longitude: -76°10'60"; Tributary to Mill Creek (CWF, MF)

8. Mahanoy Township; Latitude: 40°48'03"; Longitude: -76°07'09"; Tributary to Codorus Creek (CWF, MF)

9. Ryan Township; Latitude: 40°47'24"; Longitude: -76°04'53"; Locust Creek (CWF, MF) and adjacent wetlands

10. Ryan Township; Latitude: 40°47'15"; Longitude: -76°03'59"; Tributary to Locust Creek (CWF, MF)

11. Ryan Township; Latitude: 40°47'22"; Longitude: -76°02'54"; Tributary to Locust Creek (CWF, MF)

12. Walker Township; Latitude: 40°45'54"; Longitude: -76°02'11"; Schuylkill River (CWF, MF)

13. Walker Township & West Penn Township; Latitude: 40°44'26"; Longitude: -75°58'07"; Little Schuylkill River (CWF, MF)

14. West Penn Township; Latitude: 40°44'23"; Longitude: -75°57'58"; Tributary to Little Schuylkill River (CWF, MF)

15. West Penn Township; Latitude: 40°44'18"; Longitude: -75°57'51"; Tributary to Little Schuylkill River (CWF, MF)

16. West Penn Township; Latitude: 40°43'09"; Longitude: -75°51'47"; Lizard Creek (CWF, MF)

17. West Penn Township; Latitude: 40°43'10"; Longitude: -75°51'17"; Lizard Creek (CWF, MF)

18. West Penn Township; Latitude: 40°42'58"; Longitude: -75°50'45"; Tributary to Lizard Creek (CWF, MF)

19. West Penn Township; Latitude: 40°44'09"; Longitude: -75°57'42"; Tributary to Little Schuylkill River (CWF, MF)

20. West Penn Township; Latitude: 40°43'54"; Longitude: -75°57'33"; Tributary to Little Schuylkill River (CWF, MF)

21. West Penn Township; Latitude: 40°42'31"; Longitude: -75°49'38"; Tributary to Lizard Creek (CWF, MF). Subbasin: 3A.

**E13-165. Blue Mountain Waterpark, L.P.**, P. O. Box 216, Palmerton, PA 18071. Lower Towamensing Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To fill 0.33 acre of wetlands within the Aquashicola Creek Watershed (TSF, MF) for the purpose of constructing an access road for a waterpark at Blue Mountain Ski Area. The permittee is required to provide 0.33 acre of replacement wetlands. The project is located on the east side of Blue Mountain Drive approximately 1.7 miles north of SR 0946 (Palmerton, PA Quadrangle Latitude: 40°48'36.5"; Longitude: -75°31'59.3"). Subbasin: 2B.

**E58-295. Buck Ridge Stone, LLC**, P. O. Box 115, Montrose, PA 18801. New Milford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the intake structure authorized by Permit E58-292 and to construct and maintain an intake structure in Salt Lick Creek (HQ-CWF) for the purpose of increasing water withdrawal for Marcellus Shale Gas Production. The project is located on the east side SR 0011 approximately 0.2 mile north of T698 (Great Bend, PA-NY Quadrangle Latitude: 41°54'25"; Longitude: -75°43'59"). Subbasin: 04D.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E06-680: Township of Union**, 1445 East Main Street, Douglassville, Pennsylvania 19518, in Union Township, **Berks County**, ACOE Philadelphia District

To remove the existing 72.0-inch diameter, 28.0-foot long corrugated metal pipe and construct and maintain: 1) a 66.0-inch diameter, 28.0-foot long HDPE smooth lined corrugated plastic pipe, and 2) an aquatic habitat riprap baffle structure at the outfall of the culvert in an unnamed tributary to the Schuylkill River (WWF).

**E21-427: Russell Doersch, Sunesys, LLC**, 185 Titus Avenue, Warrington, Pennsylvania 18796, in Middlesex Township, **Cumberland County**, ACOE Baltimore District

To install and maintain a fiber optic utility line with a normal span of 46.2 feet and an underclearance of 27.0 across LeTort Spring Run (HQ-CWF) (Latitude: 40° 14'1.80", Longitude: -77°08'19.51") in Middlesex Township, Cumberland County for the purpose of upgrading and allowing greater access to the fiber optic network.

The following activities are also proposed and are eligible for a waiver of permit requirements under Section 105.12(a)(13); installation and maintenance of: 1) a fiber optic utility line with a normal span of 28.6 feet across Middle Spring Run (HQ-CWF) (Latitude: 40°03'4.05", Longitude: -77°31'27.02") in Shippensburg Borough, Cumberland County; 2) a fiber optic utility line with a normal span of 22.0 feet across an unnamed tributary to Burd



Run (CWF) (Latitude: 40°03'28.28", Longitude: -77°30'31.69") in Shippensburg Borough, Cumberland County; 3) a fiber optic utility line with a normal span of 51.7 feet across Burd Run (CWF) (Latitude: 40°03'34.62", Longitude: -77°30'23.14") in Shippensburg Borough, Cumberland County; 4) a fiber optic utility line with a normal span of 102.3 feet across Mount Rock Spring Creek (WWF) (Latitude: 40°09'41.24", Longitude: -77°18'58.49") in West Pennsboro Township, Cumberland County; 5) a fiber optic utility line with a normal span of 85.0 feet across Alexander Spring Creek (CWF) (Latitude: 40°10'59.38", Longitude: -77°15'32.36") in West Pennsboro Township, Cumberland County; 6) a fiber optic utility line with a normal span of 46.2 feet and an underclearance of 27.0 across LeTort Spring Run (HQ-CWF) (Latitude: 40°14'01.80", Longitude: -77°08'19.51") in Middlesex Township, Cumberland County; 7) a fiber optic utility line with a normal span of 100.0 feet across Hogestown Run (CWF) (Latitude: 40°14'42.98", Longitude: -77°01'56.84") in Silver Spring Township, Cumberland County; 8) a fiber optic utility line with a normal span of 39.6 feet across Trindle Spring Run (HQ-CWF) (Latitude: 40°14'48.12",

Longitude: -77°00'17.95") in Silver Spring Township, Cumberland County; and 9) a fiber optic utility line with a normal span of 96.8 feet across an unnamed tributary to the Susquehanna River (WWF) (Latitude: 40°15'14.39", Longitude: -76°54'15.98") in Lemoyne Borough, Cumberland County, all for the purpose of upgrading and allowing greater access to the fiber optic network.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-476. Mosquito Creek Sportsmen's Association**, PO Box 218, Frenchville, PA 16836. Mosquito Creek Acid Rain Abatement—Lost Run Vertical Flow Project, Girard Township, **Clearfield County**, ACOE Baltimore District (Devils Elbow, PA Quadrangle Latitude: 41° 11' 51.8"; Longitude: 78° 14' 55.40").

The Mosquito Creek Sportsmen's Association is seeking authorization to construct, operate and maintain a vertical flow limestone bed treatment system for acid rain abatement in the Mosquito Creek Basin requiring the following three (3) encroachments of Lost Run:

<i>Structure</i>	<i>Resource</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Span</i>	<i>Underclearance</i>
Vertical Flow Intake	Lost Run Channel	41° 11' 52.5"	78° 14' 56.0"	43-feet	4-feet
Vertical Flow Basin	Lost Run Floodway	41° 11' 51.8"	78° 14' 55.40"	18-feet	3-feet
Vertical Flow Outfall	Lost Run Channel	41° 11' 51.0"	78° 14' 55.1"	18-feet	3-feet

Construction of the in-stream intake and outfall structures shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. Lost Run is protected as High Quality—Cold Water Fishery and wild trout fishery, no in-stream construction or future maintenance work shall be performed in or along the stream channels between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission. The project is located within the Moshannon State Forest along the western right-of-way of Lost Run Road approximately 2.9-miles north of Caledonia Pike and Lost Run Road intersection. Permanent stream impacts incurred by the project shall be mitigated by improved water quality through increased total alkalinity.

**E41-634. Gary Acker**, 6261 Craig Avenue, Bensalem, PA 19020-2486. Acker Foundation in Floodway for Dwelling Replacement along Loyalsock Creek, Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District (Barbours, PA Quadrangle Latitude: 41° 23' 27"; Longitude: 76° 48' 11").

The applicant proposes to construct, operate and maintain a concrete pier and steel frame foundation that is located in the 100-year floodway of Loyalsock Creek. Construction of the concrete foundational piers is for a replacement dwelling that shall be located above documented 100-year floodwater surface elevation of 738.40-feet. No fill placement shall occur within the floodway so that flood storage capacity and water surface elevations are unaltered. The project is located along the southern right-of-way of SR 1007 approximately 2600-feet west of SR 0087 and SR 1007 intersection. This permit was issued under Section 105.13(e) "Small Projects."

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E16-141, PA Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 in Millcreek Township, **Clarion County**, ACOE Pittsburgh District.

to construct and maintain a 14-foot wide steel beam bridge with timber deck having a structure length of 43 feet on 2-foot wide by 14-foot long concrete abutments providing a clear span of approximately 39 feet and an underclearance of 5 feet across Pendleton Run near its confluence with Mill Creek on an access road within State Game Lands No. 074 (Corsica, PA Quadrangle N: 41°, 14', 14.46"; W: 79°, 13', 48.95")

**E61-295, Tennessee Gas Pipeline Company, LLC**, 1001 Louisiana Street, Houston TX 77002 in Cranberry Township, **Venango County**, ACOE Pittsburgh District.

to perform repairs on a natural gas pipeline located within an existing, previously disturbed right-of-way. The project requires 3 wetland crossings and 3 crossings of unnamed tributaries to Halls Run (CWF) resulting in temporary impacts to 0.23 acre wetland (EV) and 36 LF of stream channel (12 LF perennial, 24 LF ephemeral). The site will be restored to original conditions and stabilized when repairs are complete. (Cranberry, PA Quadrangle N: 41°, 22', 22.29"; W: 79°, 38', 36.55")

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-030: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Liberty & Union Townships, **Tioga County**, ACOE Baltimore District.



To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 1,146 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'15"N 77°02'41"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 58 linear feet of an unnamed tributary to Brion Creek (EV, MF) (Liberty Quadrangle 41°33'19"N 77°02'33"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 83 linear feet of Brion Creek (EV, MF), 136 linear feet of unnamed tributaries to Brion Creek (EV, MF), and 336 square feet of adjacent palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'20"N 77°02'30"W);

(4) one 30 inch natural gas pipeline and one 12 inch water line impacting 771 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'50"N 77°01'31"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 110 linear feet of an unnamed tributary to Salt Spring Run (EV, MF) (Liberty Quadrangle 41°34'00"N 77°01'10"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 90 linear feet of Salt Spring Run (EV, MF), 790 linear feet of unnamed tributaries to Salt Spring Run (EV, MF), and 2,429 square feet of adjacent palustrine emergent (PEM) and palustrine forested (PFO) wetlands (Liberty Quadrangle 41°34'04"N 77°00'46"W);

(7) one 30 inch natural gas pipeline and one 12 inch water line impacting 1295 square feet of palustrine scrub-shrub (PSS) wetland (Liberty Quadrangle 41°34'05"N 77°00'40"W);

(8) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 52 linear feet of French Lick Run (EV, MF) (Ralston Quadrangle 41°34'14"N 76°59'06"W);

(9) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,126 square feet of palustrine emergent (PEM) wetlands (Ralston Quadrangle 41°34'25"N 76°58'43"W);

(10) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 105 linear feet of an unnamed tributary to French Lick Run (EV, MF) (Ralston Quadrangle 41°34'26"N 76°58'38"W);

(11) one 30 inch natural gas pipeline and one 12 inch water line impacting 451 feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°34'34"N 76°58'15"W);

(12) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 60 linear feet of West Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'40"N 76°57'46"W);

(13) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 126 linear feet of an unnamed tributary to Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'49"N 76°57'10"W);

(14) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 90 linear feet of Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'49"N 76°57'07"W);

(15) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 7,232

square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'07"N 76°56'30"W);

(16) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 77 linear feet of Sugar Works Run (HQ-CWF) (Ralston Quadrangle 41°35'12"N 76°55'52"W);

(17) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 132 linear feet of an unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'18"N 76°55'30"W);

(18) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 155 linear feet of unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'23"N 76°55'14"W);

(19) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 8,197 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'30"N 76°54'49"W);

(20) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 150 linear feet of an unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'33"N 76°54'41"W);

(21) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 65 linear feet of an unnamed tributary to Lycoming (HQ-CWF) (Ralston Quadrangle 41°35'34"N 76°54'36"W);

(22) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,547 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'38"N 76°54'27"W);

(23) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 4,613 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'43"N 76°54'13"W);

(24) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,426 square feet of adjacent palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'44"N 76°54'07"W);

(25) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 52 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'50"N 76°54'05"W);

(26) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 80 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'55"N 76°53'59"W);

(27) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,430 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'58"N 76°53'29"W);

(28) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 75 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°36'12"N 76°52'58"W);

(29) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,613 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°36'20"N 76°52'51"W);

(30) a temporary mat bridge impacting 20 linear feet of an unnamed tributary to Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'52"N 76°57'10"W);

(31) a temporary mat bridge impacting 418 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'19"N 76°58'43"W);

(32) a temporary mat bridge impacting 20 linear feet of an unnamed tributary to French Lick Run (HQ-CWF) (Ralston Quadrangle 41°34'28"N 76°59'05"W).

The project will result in 2,526 linear feet of stream impacts and 0.92 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E0829-039.

**E0829-039: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Canton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 8,459 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°36'27"N 76°52'02"W).

The project will result in 0.19 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E5929-030.

**E5829-023. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Bridgewater, Brooklyn, Dimock, and Springville Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 101 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 43' 40"; Longitude -75° 54' 38"),

2. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 100 lineal feet of Stevens Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 53' 49"),

3. a permanent culvert road crossing impacting 108 lineal feet of Stevens Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 43' 42"; Longitude -75° 53' 36"),

4. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 132 lineal feet of an Unnamed Tributary to White Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 45' 29"; Longitude -75° 54' 28"),

5. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 143 lineal feet of an Unnamed Tributary to White Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 46' 07"; Longitude -75° 54' 38"),

6. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 75 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 46' 51"; Longitude -75° 53' 37"),

7. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 107 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 46' 54"; Longitude -75° 53' 33"),

8. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 43 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 46' 50"; Longitude -75° 53' 33"),

9. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 109 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose West, PA Quadrangle: Latitude 41° 46' 52"; Longitude -75° 53' 28"),

10. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 97 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle: Latitude 41° 46' 45"; Longitude -75° 51' 24 inch),

11. a 24 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 126 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle: Latitude 41° 46' 44"; Longitude -75° 50' 55"),

12. a 24 inch and 16 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of an Unnamed Tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle: Latitude 41° 47' 48"; Longitude -75° 50' 29"),

13. a 24 inch and 16 inch diameter natural gas gathering pipeline and temporary timber mat bridge crossing impacting 78 lineal feet of Meshoppen Creek (CWF) (Montrose East, PA Quadrangle: Latitude 41° 47' 52"; Longitude -75° 50' 21"),

14. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.02 acre of a PFO wetland (Springville, PA Quadrangle: Latitude 41° 43' 32"; Longitude -75° 54' 43"),

15. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.21 acre of a PFO wetland (Springville, PA Quadrangle: Latitude 41° 43' 38"; Longitude -75° 54' 40"),

16. a temporary timber mat crossing impacting 0.13 acre of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 43' 42"; Longitude -75° 53' 40"),

17. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.02 acre of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 44' 18"; Longitude -75° 53' 51"),

18. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.26 acre of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 44' 46"; Longitude -75° 54' 16"),

19. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.02 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 45' 29"; Longitude -75° 54' 28"),

20. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.34 acre of a PSS wetland (Montrose West, PA Quadrangle: Latitude 41° 45' 45"; Longitude -75° 54' 29"),

21. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.49 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 46' 51"; Longitude -75° 54' 26"),

22. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.16 acre of



a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 46' 50"; Longitude -75° 53' 49"),

23. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.73 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 46' 54"; Longitude -75° 53' 27"),

24. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.02 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 47' 02"; Longitude -75° 53' 28"),

25. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.02 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 47' 11"; Longitude -75° 52' 56"),

26. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.43 acre of a PEM wetland (Montrose West, PA Quadrangle: Latitude 41° 47' 10"; Longitude -75° 52' 31"),

27. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.12 acre of a PEM wetland (Montrose East, PA Quadrangle: Latitude 41° 47' 07"; Longitude -75° 52' 27"),

28. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.08 acre of a PEM wetland (Montrose East, PA Quadrangle: Latitude 41° 47' 05"; Longitude -75° 52' 26"),

29. a 24 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.05 acre of a PEM wetland and 0.13 acre of a PFO wetland (Montrose East, PA Quadrangle: Latitude 41° 47' 03"; Longitude -75° 52' 26"),

30. a 24 inch diameter natural gas gathering pipeline impacting 0.07 acre of a PFO wetland (Montrose East, PA Quadrangle: Latitude 41° 46' 53"; Longitude -75° 52' 15"),

31. a 24 inch and 16 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.95 acre of a PEM wetland (Montrose East, PA Quadrangle: Latitude 41° 47' 52"; Longitude -75° 50' 22"),

32. a 24 inch and 16 inch diameter natural gas gathering pipeline and temporary timber mat crossing impacting 0.03 acre of a PEM wetland (Montrose East, PA Quadrangle: Latitude 41° 47' 48"; Longitude -75° 50' 42").

The project is located in Bridgewater, Brooklyn, Dimock, and Springville Townships, Susquehanna County and consists of 13.3 miles of 24 inch and 1.2 miles of 16 inch natural gas lines. The project will result in 1,269 lineal feet of temporary stream impacts, 4.21 acres of temporary wetlands impacts and 0.71 acre of permanent wetland impacts. All for the purpose of conveying natural gas from the Marcellus Shale fields to the market.

**E4129-037: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 32 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty Quadrangle 41°30'55"N 77°05'15"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 50 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°31'06"N 77°04'32"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 26,838 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°31'51"N 77°04'11"W);

(4) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 55 linear feet of Roaring Branch (EV, MF) and 3,423 square feet of adjacent palustrine emergent (PEM) wetlands (Liberty Quadrangle 41°31'58"N 77°04'09"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 51 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°32'19"N 77°04'17"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 51 linear feet of Little Elk Run (EV, MF) (Liberty Quadrangle 41°32'44"N 77°03'41"W).

The project will result in 239 linear feet of stream impacts and 0.69 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5929-030 and E0829-039.

**E4129-042: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain a sediment forebay upstream of an existing pond inflow, and to construct, operate, and maintain a stream stabilization project including longitudinal peaked stone toe protection, rock deflectors, cross vanes, and outlet protection. The project will result in 207 linear feet of impacts to Wendell Run (EV) for the purpose of provided stabilization of the eroded stream banks and a sediment management system for the adjacent pond. (White Pine Quadrangle 41°24'39"N 77°11'43"W)

**E4129-039: Anadarko Marcellus Midstream LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade & Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6 inch gas lines, one 24 inch gas line, one 12 inch gas line, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 91 linear feet of an unnamed tributary to West Branch Wallis Run (EV) and 10402 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'00"N 76°52'00"W);

2) two 6 inch gas lines, one 24 inch gas line, one 12 inch gas line, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 159 linear feet of an unnamed tributary to East Branch Wallis Run (EV) (Barbours, PA Quadrangle 41°26'41"N 76°51'36"W);

3) two 6 inch gas lines, one 24 inch gas line, one 12 inch gas line, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 77 linear feet of East Branch Wallis Run (EV) (Barbours, PA Quadrangle 41°26'42"N 76°51'27"W);

4) two 6 inch gas lines, one 24 inch gas line, one 12 inch gas line, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 79 linear feet of an unnamed tributary to East Branch Wallis Run and 3963 square feet of adjacent palustrine emergent (PEM) wetland (Barbours, PA Quadrangle 41°26'42"N 76°51'26"W);

5) two 6 inch gas lines, one 24 inch gas line, one 12 inch gas line, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 79 linear feet of an unnamed tributary to East Branch Wallis Run (EV) (Barbours, PA Quadrangle 41°26'51"N 76°50'43"W);

6) two 6 inch gas lines and equipment matting impacting 2084 square feet of palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°23'19"N 76°58'39"W);

7) two 6 inch gas lines and equipment matting impacting 377 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°23'25"N 76°58'29"W);

8) two 6 inch gas lines and equipment matting impacting 63 linear feet of Miller Run (EV) (Bodines, PA Quadrangle 41°23'26"N 76°58'30"W);

9) two 6 inch gas lines and equipment matting impacting 71 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°23'28"N 76°58'28"W);

10) two 6 inch gas lines and equipment matting impacting 41 linear feet of an unnamed tributary to Miller Run (EV) and 6974 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°23'35"N 76°58'23"W);

11) two 6 inch gas lines and equipment matting impacting 123 linear feet of West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°23'33"N 76°57'27"W);

12) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 62 linear feet of West Branch Murray Run (EV) and 47552 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'36"N 76°58'11"W);

13) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, one electric/fiber optic line, and equipment matting impacting 11260 square feet of palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°24'36"N 76°58'41"W).

The project will result in 774 linear feet of temporary stream impacts and 1.90 acres of temporary wetland impacts all for the purpose of installing freshwater pipelines with associated roadways for Marcellus well development.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-015-0155  
Applicant Name Angelina Gathering Company, LLC  
Contact Person Danny Spaulding  
Address 2350 Sam Houston Pkwy E., Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford County  
Township(s) Stevens Township  
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek and Cold Creek (WWF/MF)

ESCGP-1 # ESX12-015-0158  
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) Asylum Township  
Receiving Stream(s) and Classification(s) UNT Durell Creek(WWF);  
Secondary: Durell Creek (WWF)

ESCGP-1 # ESX12-117-0057  
Applicant Name Anadarko E&P Company, LP  
Contact Person Rane Wilson  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Tioga County  
Township(s) Morris Township  
Receiving Stream(s) and Classification(s) Zimmerman Creek (EV/MF);  
Secondary: Texas Creek (EV/MF)

ESCGP-1 # ESX12-081-0104  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Brian Rushe  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming County  
Township(s) Franklin Township  
Receiving Stream(s) and Classification(s) UNT to Big Run/Big Run, UNT to Little Munch Creek/Little Munch Creek (HQ-CWF/MF; CW-MF)

ESCGP-1 # ESG12-115-0036  
Applicant Name Bluestone Pipeline Company of Pennsylvania  
Contact Person Bruce Nieman  
Address 1708 WCB, 2000 Second Avenue  
City, State, Zip Detroit, MI 48266  
County Susquehanna County  
Township(s) Harmony, Thompson, Jackson and New Milford Townships  
Receiving Stream(s) and Classification(s) Pigpen Creek (CWF), Little Roaring Brook (CWF), Roaring Run (CWF), Hemlock Creek (CWF), Starrucca Creek (CWF), Wildcat Run (CWF), East Branch Canawacta Creek (CWF), South Branch Canawacta Creek (CWF), Tunkhannock Creek (CWF), Drinker Creek (CWF), Butler Creek (CWF), Salt Lick Creek (HQ-CWF), East Lake Creek (HQ-CWF), Wellmans Creek (HQ-CWF).



ESCGP-1 # ESX12-081-0105  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 25 West Third Street, 100 Penn Tower,  
 Suites 201-202  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Lewis Township  
 Receiving Stream(s) and Classification(s) Dougherty Run  
 and Hoagland Run (HQ/MF)

ESCGP-1 # ESX12-015-0160  
 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 Wolf  
 Run which is trib. to North Branch Mehoopany Creek  
 (CWF/MF), Rock Cabin Run which is trib. To Sugar  
 Run Creek (CWF);  
 Secondary: North Branch Mehoopany Creek (CWF/MF),  
 Sugar Run Creek (CWF)

ESCGP-1 # ESX12-015-0116  
 Applicant Name Southwestern Energy Production Com-  
 pany  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Bradford County  
 Township(s) Stevens Township  
 Receiving Stream(s) and Classification(s) UNT to Wyalus-  
 ing Creek (WWF) (East), Cold Creek (WWF) (West);  
 Secondary: Susquehanna River (WWF) (East), Wyalus-  
 ing Creek (WWF) (West)

ESCGP-1 # ESX12-115-0128  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Tom Page  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Brooklyn Township  
 Receiving Stream(s) and Classification(s) UNT's to Hop  
 Bottom Creek, UNT's to Meshoppen Creek (CWF/MF)

ESCGP-1 # ESX12-115-0127  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Tom Page  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Brooklyn Township  
 Receiving Stream(s) and Classification(s) Horton Creek,  
 UNT's to Horton Creek (CWF/MF)

ESCGP-1 # ESX12-113-0030  
 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) Elkland Township  
 Receiving Stream(s) and Classification(s) King's Creek  
 (HQ-CWF), UNT Elks Creek (HQ-CWF);  
 Secondary: Elk Creek (HQ-CWF)

ESCGP-1 # ESX10-117-0072 (01)  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Salt Spring/  
 West Branch Susquehanna River Basin (List L)  
 (EV-CWF);  
 Secondary: Roaring Branch/ Lycoming Creek

ESCGP-1 # ESX11-115-0193 (01)  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Harford and Lenox Township  
 Receiving Stream(s) and Classification(s) Partners Creek,  
 Nine Partners Creek and UNT to Partners Creek,  
 Sterling Brook and Butler Creek/Upper Susquehanna—  
 Tunkhannock Watershed (EV-Other)

ESCGP-1 # ESX12-081-0107  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 25 West Third Street, 100 Penn Tower,  
 Suites 201-202  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Fairfield and Upper Fairfield Townships  
 Receiving Stream(s) and Classification(s) Mill Creek  
 (EAST), (2) UNT's to Mill Creek (EAST) (HQ-TSF)

ESCGP-1 # ESX12-115-0142  
 Applicant Name Susquehanna Gathering Company 1,  
 LLC  
 Contact Person John Miller  
 Address 1299 Oliver Road, P. O. Box 839  
 City, State, Zip New Milford, PA 18834  
 County Susquehanna County  
 Township(s) New Milford Township  
 Receiving Stream(s) and Classification(s) East Lake  
 Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-015-0166  
 Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 2039 South Sixth Street  
 City, State, Zip Indiana, PA 15701  
 County Bradford County  
 Township(s) Springfield Township  
 Receiving Stream(s) and Classification(s) Buck Creek and  
 Miller Run Watersheds;  
 Secondary: Bentley Creek (Other)

ESCGP-1 # ESX12-015-0163  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Jeffrey Deegan  
 Address 6051 Wallace Road, Ext., Suite 300  
 City, State, Zip Wexford, PA 15090  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) INT (Trib  
 30600) to Towanda Creek (CWF/MF);  
 Secondary: Towanda Creek

ESCGP-1 # ESX12-081-0086  
 Applicant Name Inflection Energy, LLC  
 Contact Person Carla Suszkowski  
 Address 1000 Town Center Blvd., Suite 230  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming County  
 Township(s) Upper Fairfield Township  
 Receiving Stream(s) and Classification(s) Loyalsock Creek  
 (EV)

- ESCGP-1 # ESX12-015-0164  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Jeffrey Deegan  
 Address 6051 Wallace Road, Ext., Suite 300  
 City, State, Zip Wexford, PA 15090  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) UNT to Brown's Creek (WWF/MF);  
 Secondary: Brown's Creek (WWF/MF)  
*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*
- ESCGP-1 #ESX12-073-0021—AMF 2009  
 Applicant SWEPI LP  
 Contact H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Lawrence Township(s) New Beaver Borough(s)  
 Receiving Stream(s) and Classification(s) Jenkins Run (WWF) and an unnamed tributary to Jenkins Run (WWF)
- ESCGP-1 #ESX12-019-0147—Quinn to Ni Source Tie-In Pipeline  
 Applicant Mountain Gathering LLC  
 Contact Mr Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Clinton(s)  
 Receiving Stream(s) and Classification(s) Rocky Run/Rocky Run (TSF)
- ESCGP-1 #ESX12-019-0149—Lassinger Well Pad  
 Applicant XTO Energy  
 Contact Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Butler(s)  
 Receiving Stream(s) and Classification(s) UNT to Butcher Run & Butcher Run—Other, Connoquenessing Creek
- ESCGP-1 #ESX12-083-0067—South Branch 1408  
 Applicant SWEPI LP  
 Contact H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County McKean Township(s) Wetmore(s)  
 Receiving Stream(s) and Classification(s) East Branch of Tionesta Creek, UNT to Martin Run—HQ, South Branch Tionesta Creek
- ESCGP-1 #ESX12-019-0150—Hixon to Marburger Pipeline  
 Applicant Mountain Gathering LLC  
 Contact Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) Various UNT's to Glade Run / Glade Run
- ESCGP-1 #ESX12-053-0032—Forest Howe Pad B  
 Applicant Pennsylvania General Energy Company LLC  
 Contact Kendra Parisella  
 Address 120 Market Street  
 City Warren State PA Zip Code 16365  
 County Forest Township(s) Howe & Jenks(s)  
 Receiving Stream(s) and Classification(s) Fourmile Run (EV)
- ESCGP-1 #ESX12-019-0155—Ambrose Well Pad  
 Applicant XTO Energy  
 Contact Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Summit(s)  
 Receiving Stream(s) and Classification(s) (2) UNT's to Coal Run
- ESCGP-1 #ESX12-019-0152—Salvatora Unit Gas Well Unit 1H, 2H, 3H  
 Applicant XTO Energy, Inc  
 Contact Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 16335  
 County Butler Township(s) Summit(s)  
 Receiving Stream(s) and Classification(s) Coal Run
- ESCGP-1 #ESX12-073-0020—Pulaski-McConahy Well Site  
 Applicant Hilcorp Energy Company  
 Contact Jeffrey Robertson  
 Address 1201 Louisiana Street Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township(s) Pulaski(s)  
 Receiving Stream(s) and Classification(s) UNT to Shenango River/Shenango River Watershed-WWF
- ESCGP-1 #ESX12-019-0151—Kellogg 2065  
 Applicant SWEPI LP  
 Contact H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Mercer(s)  
 Receiving Stream(s) and Classification(s) UNT to Wolf Creek—CWF, Wolf Creek, Slippery Rock Creek—other  
*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA 6/7/12*
- ESCGP-1 No: ESX10-125-0086 MAJOR REVISION  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person MR DANIEL BITZ  
 Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: WASHINGTON Township: MORRIS  
 Receiving Stream (s) And Classifications: SEE APPENDIX A—RECEIVING WATERS
- 7/3/12  
 ESCGP-1 No.: ESX11-059-0064 MAJOR REVISION  
 Applicant Name: EQT PRODUCTION COMPANY  
 Contact Person: MR TODD KLANER  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code: 15301  
 County: GREENE Township(s): WASHINGTON  
 Receiving Stream(s) and Classifications: UNTS TO PETTIT RUN, GAMERS RUN—HQ-WWF PETTIT RUN—HQ-WWF SOUTH FORK TENMILE CREEK WATERSHED; HQ
- 7/6/12  
 ESCGP-1 No.: ESX12-125-0084  
 Applicant Name: RANGE RESOURCES APPALACHIA LLC  
 Contact Person: MR GLENN D TRUZZI  
 Address: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON Township(s): INDEPENDENCE  
 Receiving Stream(s) and Classifications: UNT TO CROSS CREEK (WWF) / RACCOON CREEK WATERSHED; OTHER
- 7/17/12  
 ESCGP-1 No.: ESX12-003-0008  
 Applicant Name: EQT PRODUCTION COMPANY  
 Contact Person: MR TODD KLANER  
 Address: 455 RACETRACK ROAD SUITE 101

City: WASHINGTON State: PA Zip Code: 15301  
 County: ALLEGHENY Township(s): FORWARD  
 Receiving Stream(s) and Classifications: UNT TO PERRY  
 MILL RUN & UNT TO FALLEN TIMBER RUN;  
 OTHER- UNT TO PERRY MILL RUN & UNT TO  
 FALLEN TIMBER RUN DESIGNATED USE IS A  
 WWF

6/13/12

ESCGP-1 No.: ESX12-125-0071  
 Applicant Name: RICE DRILLING B LLC  
 Contact Person: TONYA R WINKLER  
 Address: 171 HILLPOINTE DRIVE SUITE 301  
 City: CANONSBURG State: PA Zip Code: 15317  
 COUNTY WASHINGTON Township(s): WEST PIKE  
 RUN, BENTLEYVILLE BORO  
 Receiving Stream(s) and Classifications: UNT S1 S3, S5  
 TO PIKE RUN, PIKE RUN; OTHER

6/4/12

ESCGP-1 No.: ESX12-125-0067  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MR DANIEL BITZ  
 Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: WASHINGTON Township(s): MORRIS  
 Receiving Stream(s) and Classifications: ROCKY RUN  
 (TSF); CRAFTS CREEK (TSF); OTHER

5/30/12

ESCGP-1 No.: ESX11-059-0005 MAJOR REVISION  
 Applicant Name: EQT PRODUCTION COMPANY  
 Contact Person: MR TODD KLANER  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code 15301  
 County: GREENE Township(s): CENTER  
 Receiving Stream(s) and Classifications: UNT TO GRAYS  
 FORK—HQ-WWF TENMILE CREEK WATERSHED;  
 HQ

3/5/12

ESCGP-1 No.: ESX12-059-0014  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MS RHONDA CRAWFORD  
 Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: GREENE Township(s): CENTER  
 Receiving Stream(s) and Classifications: SOUTH FORK  
 TENMILE CREEK; HQ

7/26/12

ESCGP-1 No.: ESX11-059-0068 MAJOR REVISION  
 Applicant Name: EQT PRODUCTION COMPANY  
 Contact Person: MR TODD KLANER  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code: 15301  
 County: GREENE Township(s): MORGAN  
 Receiving Stream(s) and Classifications: THREE UNTS  
 TO SOUTH FORK TENMILE CREEK—WWF SOUTH  
 FORK TENMILE CREEK WATERSHED; OTHER

5/30/12

ESCGP-1 NO.: ESX12-063-0006  
 Applicant Name: XTO ENERGY INC  
 CONTACT PERSON: MR BERNHARDT KISSEL  
 ADDRESS: 395 AIRPORT ROAD  
 City: INDIANA State: PA Zip Code: 15701  
 County: INDIANA Township(s): CENTER  
 Receiving Stream(s) and Classifications: UNT TO  
 BLACKLICK CREEK (CWF)/CONEMAUGH RIVER;  
 OTHER

6/6/12

ESCGP-1 NO.: ESX11-007-0021 MAJOR REVISION

Applicant Name: CHESAPEAKE APPALACHIA LLC  
 CONTACT PERSON: MR ERIC W HASKINS  
 ADDRESS: 101 NORTH MAIN STREET  
 City: ATHENS State: PA Zip Code: 18810  
 County: BEAVER Township(s): OHIOVILLE  
 Receiving Stream(s) and Classifications: NORTH FORK  
 BIELER RUN—WWF BIELER RUN—WWF; OTHER

7/23/12

ESCGP-1 NO.: ESX12-125-0088  
 Applicant Name: RANGE RESOURCES APPALACHIA  
 LLC  
 CONTACT PERSON: MR GLENN D TRUZZI  
 ADDRESS: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON Township(s): ROBINSON  
 Receiving Stream(s) and Classifications: UNTs TO  
 LITTLE RACCOON RUN (WWF) AND UNTs TO  
 NORTH BRANCH ROBINSON RUN (WWF) / RAC-  
 COON CREEK WATERSHED AND CHARTIERS  
 CREEK WATERSHED; OTHER

### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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.

*Northwest Region District Oil and Gas Operations,  
 Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22242-00-00

Well Farm Name Simplex Bra 1H

Applicant Name: Chesapeake Appalachia LLC

Contact Person: Eric Haskins

Address: 101 North Main Street, Athens, PA 18810

County: Bradford

Municipality Standing Stone Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Wyalusing, UNT to the Susquehanna River



Well Permit #: 015-22251-00-00  
 Well Farm Name Iceman Bra 5H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Wilmot Township  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cooley, UNT to Panther Lick Creek, a tributary to Sugar Run Creek

Well Permit #: 015-21837-00-00  
 Well Farm Name Brelsford 01 086 04H 4H  
 Applicant Name: Talisman Energy USA Inc.  
 Contact Person: Liana Montes  
 Address: 50 Pennwood Place, Warrendale, PA 15086-6512  
 County: Bradford  
 Municipality: Armenia  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Canton, Rathbone Creek

Well Permit #: 015-21839-00-00  
 Well Farm Name Brelsford 01 086 06H 6H  
 Applicant Name: Talisman Energy USA Inc.  
 Contact Person: Liana Montes  
 Address: 50 Pennwood Place, Warrendale, PA 15086-6512  
 County: Bradford  
 Municipality: Armenia  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Canton, Rathbone Creek

Well Permit #: 015-21838-00-00  
 Well Farm Name Brelsford 01 086 05H 5H  
 Applicant Name: Talisman Energy USA Inc.  
 Contact Person: Liana Montes  
 Address: 50 Pennwood Place, Warrendale, PA 15086-6512  
 County: Bradford  
 Municipality: Armenia  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Canton, Rathbone Creek

**SPECIAL NOTICES**

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Wolf Run Watershed in Lycoming County**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Wolf Run Watershed in Lycoming County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Wolf Run Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Wolf Run Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	2,116,200	5,798	1,885,261	5,165	13%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Watershed Quality Standards Division, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, 717-772-5670, [salexander@pa.gov](mailto:salexander@pa.gov)

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*. A public meeting to discuss the technical merits of the TMDL will be held upon request.

[Pa.B. Doc. No. 12-1689. Filed for public inspection August 31, 2012, 9:00 a.m.]



### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance Documents*

**DEP ID:** 382-5511-014. **Title:** Disadvantaged Business Enterprise (DBE) Firm Solicitation Guidance. **Description:** This document is intended to provide guidance to recipients of Federal grant or loan funds under the State Revolving Loan Fund and the Special Appropriation Act Programs to ensure compliance with Disadvantaged Business Enterprise Program contract administration requirements.

**Written Comments:** Interested persons may submit written comments on this draft technical guidance by October 1, 2012. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Monique Pollard, Department of Environmental Protection, Bureau of Point and Non-Point Source Management, Division of Technical and Financial Assistance, Rachel Carson State Office Building—11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774 or [mpollard@pa.gov](mailto:mpollard@pa.gov).

**Contact:** Questions regarding the draft technical guidance document should be directed to Monique Pollard at (717) 772-4465 or [mpollard@pa.gov](mailto:mpollard@pa.gov).

**Effective Date:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

**DEP ID:** 021-2100-001. **Title:** Policy for Implementing the Department Permit Review Process and Permit Decision Guarantee. **Description:** On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee for the Department of Environmental Protection" directing the Department to, among other things, establish a Permit Review Process and Permit Decision Guarantee. The executive order also rescinded the Money Back Guarantee created under executive Order 1995-1. To begin implementing the direction of the executive order, the Department hereby publishes the draft "Policy for Implementing the Department of Environmental Protec-

tion (Department) Permit Review Process and Permit Decision Guarantee" (draft policy). This draft policy establishes a standardized review process for permit applications. The draft policy provides certain and predictable review times for applicants who submit complete, technically-adequate applications that address all regulatory and statutory requirements; articulates clearly and concisely expectations for applicants that result in complete, technically adequate applications that address all regulatory and statutory requirements; establishes expectations of Department staff aimed at achieving greater efficiency, clarity and consistency across regions and programs; improves the Department's internal tracking and coordination of permit applications; and rescinds and replaces the Policy for Implementing the Department Money-Back Guarantee Permit Review Process 013-2000-001, as amended. The draft policy also outlines the processing times for certain Department permits and authorizations that will be included in the Permit Decision Guarantee.

**Written Comments:** Interested persons may submit written comments on this draft policy by October 1, 2012. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Hayley Book, Acting Director, Office of Program Integration, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17101-2063, (717) 772-1856, [RA-EP-OPI@pa.gov](mailto:RA-EP-OPI@pa.gov).

**Contact:** Hayley Book, (717) 772-1856 or [RA-EP-OPI@pa.gov](mailto:RA-EP-OPI@pa.gov).

**Effective Date:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

**DEP ID:** 021-2000-301. **Title:** Policy for Permit Coordination. **Description:** The Policy for Permit Coordination, issued as final on October 22, 2005, outlines how the Department will coordinate the review of multiple permits for proposed projects to ensure efficient use of its resources, thorough environmental review and consistent Department action on proposed projects before the commencement of operations, construction or other activities that require Department permits or approvals. This revised policy serves the same purpose but has been revised to complement the draft "Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee."

**Written Comments:** Interested persons may submit written comments on this draft policy by October 1, 2012. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Hayley Book, Acting Director, Office of Program Integration, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17101-2063, (717) 772-1856, [RA-EP-OPI@pa.gov](mailto:RA-EP-OPI@pa.gov).

**Contact:** Hayley Book, (717) 772-1856 or [RA-EP-OPI@pa.gov](mailto:RA-EP-OPI@pa.gov).

**Effective Date:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

#### *Draft Technical Guidance—New Guidance*

**DEP ID:** 391-2300-001. **Title:** Drinking Water and Wastewater Systems Operator Certification Program Handbook. **Description:** This document is a handbook to help drinking water and wastewater system operators,

both certified and noncertified and owners understand their requirements defined by the Drinking Water and Wastewater Systems Operator Certification Act and the Chapter 302 regulations, Administration of the Drinking Water and Wastewater Systems Operator Certification Program.

*Written Comments:* The Department is seeking comments on draft technical guidance No. 391-2300-XXX. Interested persons may submit written comments on this draft technical guidance document by October 1, 2012. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Phil Consonery, Department of Environmental Protection, Bureau of Safe Drinking Water, Division of Training, Technical and Financial Services, Rachel Carson State Office Building—10th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467 or pconsonery@pa.gov.

*Contact:* Questions regarding this interim final guidance document should be directed to Phil Consonery at (717) 787-0122 or pconsonery@pa.gov.

*Effective Date:* Upon publication of notice as 'Final' in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-1690. Filed for public inspection August 31, 2012, 9:00 a.m.]

## Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests received from June 6, 2012, through August 12, 2012.

### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will

reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

### Certification Request

The following requests are being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
RETTEW on behalf of Highspire Borough Authority (Dauphin County) NPDES Permit No. PA-0024040	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Highspire Borough Authority's wastewater treatment plant.
Harrisburg Authority (Dauphin County) NPDES Permit No. PA-0027197	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Harrisburg Advanced Wastewater Treatment Facility.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client MuCMCT0001's property.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client PicPoT0001's property.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client WBSCT0001's property.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client MuCFrT0002's property.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client BICCIT0001's property.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client MiREIT0001's property.
Red Barn Trading Company on behalf of Keystone Dairy Ventures, LLC (Lancaster County)	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices.
<i>Written Comments</i>	

Interested persons may submit written comments on this proposed pollutant reduction activity by October 1, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderer, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about this certification request or the Trading Program contact Brian Schlauderer, at the previously listed address or phone number or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1691. Filed for public inspection August 31, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, September 19, 2012, from 9 a.m. to 2:30 p.m. The meeting will be held at the Park Inn Hotel Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1692. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Planning Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Tuesday, September 18, 2012, from 9 a.m. to 2 p.m. The meeting will be held at the Park Inn Hotel Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1693. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Fulton County Medical Center  
214 Peach Orchard Road  
McConnellsburg, PA 17233

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care 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 an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department



and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1694. Filed for public inspection August 31, 2012, 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 19, 2012, from 9 a.m. to 2 p.m. at the Department of Agriculture, Conference Room 309, 2301 North Cameron Street, Harrisburg, PA 17110.

For additional information contact Sharon H. Sowers, Chief, Department of Health, Comprehensive Cancer Control Section Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 783-1457.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Sharon Sowers at the number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services 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. 12-1695. Filed for public inspection August 31, 2012, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Payments

The Department of Public Welfare (Department) is providing final notice of a decrease to the funding allocation for Fiscal Year (FY) 2011-2012 for an additional class of disproportionate share hospital (DSH) payments to certain qualifying hospitals that the Department determines provide a high volume of Medical Assistance (MA) acute care and psychiatric services and incur significant uncompensated costs. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amount for inpatient hospital services. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

The Department published notice of its intent to decrease the funding allocation for these DSH payments to qualifying hospitals at 42 Pa.B. 1578 (March 24, 2012). The Department received no public comments during the 30-day comment period and will implement changes described in its notice of intent.

### *Fiscal Impact*

The FY 2011-2012 fiscal impact of this reduced allocation for the additional class of DSH payments is \$1.669 million (\$0.750 in State general funds and \$0.919 million in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-785. (1) General Fund; (2) Implementing Year 2011-12 is \$750,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1696. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of a decrease to the funding allocation for Fiscal Year (FY) 2011-2012 for an additional class of disproportionate share hospital (DSH) payments to certain qualifying hospitals that the Department determines provide a high volume of services to Medical Assistance (MA) eligible and low-income populations. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amount for inpatient hospital services. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

The Department published notice of its intent to decrease the funding allocation for these DSH payments to qualifying hospitals at 42 Pa.B. 2350 (April 28, 2012). The Department received no public comments during the 30-day comment period and will implement the changes described in its notice of intent.

### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this additional class of DSH payments, is \$4.258 million (\$1.913 million in State general funds and \$2.345 million in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-786. (1) General Fund; (2) Implementing Year 2011-12 is \$1,913,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover these payments.

[Pa.B. Doc. No. 12-1697. Filed for public inspection August 31, 2012, 9:00 a.m.]



### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of a decrease to the funding allocation for Fiscal Year (FY) 2011-2012 disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amount for inpatient hospital services. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

The Department published notice of its intent to decrease the funding allocation for these DSH payments to qualifying hospitals at 42 Pa.B. 3702 (June 23, 2012). The Department received no public comments during the 30-day comment period and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this change to the additional class of DSH payments is \$14.752 million (\$6.628 million in State general funds and \$8.124 million in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-787. (1) General Fund; (2) Implementing Year 2011-12 is \$6,628,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1698. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals

The Department of Public Welfare (Department) is providing final notice of a decrease to the funding allocation for Fiscal Year (FY) 2011-2012 for disproportionate share hospital (DSH) payments to qualifying hospitals based on the designation as a Critical Access Hospital (CAH) or as a qualifying rural hospital. This reduction in the allocation for these DSH payments reflects the reduction in the amount allocated for Medical Assistance (MA) inpatient services in the Commonwealth's FY 2011-2012 budget. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to decrease the funding allocation for these DSH payments to qualifying hospitals at 42 Pa.B. 1473 (March 17, 2012). The Department received no public comments during the 30-day comment period and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this additional class of DSH payments, is \$7.162 million (\$3.218 million in State general funds and \$3.944 in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-783. (1) General Fund; (2) Implementing Year 2011-12 is \$3,218,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$4,677,000; 2009-10 Program—\$4,378,000; 2008-09 Program—\$4,888,000; (7) MA—CAH; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1699. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The Department of Public Welfare (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2012-2013 for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance (MA) recipients. The Department intends to provide funding at the same level as was allocated for FY 2011-2012. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments. The Department intends for this funding to be used to help offset medical education costs of psychiatrists incurred by hospitals providing psychiatric care to MA recipients and the uninsured.

#### *Fiscal Impact*

The FY 2012-2013 fiscal impact, as a result of this additional class of DSH payments is \$0.500 million (\$0.228 million in State general funds and \$0.272 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-784. (1) General Fund; (2) Implementing Year 2012-13 is \$228,000; (3) 1st Succeeding Year 2013-14 is \$232,000; 2nd Succeeding Year 2014-15 is \$232,000; 3rd Succeeding Year 2015-16 is \$232,000; 4th Succeeding Year 2016-17 is \$232,000; 5th Succeeding Year 2017-18 is \$232,000; (4) 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; 2009-10 Program—

\$371,515,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1700. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

The Department of Public Welfare (Department) is providing final notice of a decrease to the funding allocation for Fiscal Year (FY) 2011-2012 disproportionate share hospital (DSH) payments to certain qualifying hospitals based on obstetrical and neonatal intensive care cases. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amounts for inpatient hospital services. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to decrease the funding allocation for these DSH payments to qualifying hospitals at 42 Pa.B. 1931 (April 7, 2012). The Department received no public comments during the 30-day comment period and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this additional class of DSH payments, is \$7.374 million (\$3.313 million in State general funds and \$4.061 in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-782. (1) General Fund; (2) Implementing Year 2011-12 is \$3,313,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$4,815,000; 2009-10 Program—\$4,500,000; 2008-09 Program—\$6,544,000; (7) Medical Assistance—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover these payments.

[Pa.B. Doc. No. 12-1701. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions

The Department of Public Welfare (Department) is announcing changes to the Medical Assistance (MA) Program Fee Schedule for select renal dialysis procedure codes, including the addition of pricing modifiers and the establishment of MA Program fees.

#### *Fee Schedule Revisions*

On March 15, 2012, the Department added Provider Type 30, Provider Specialty 300 and Place of Service 65 with the pricing modifiers U7 and U8 to procedure codes 90945 and 90947 on the MA Program Fee Schedule and established new MA Program fees.

The U7 pricing modifier reflects an MA Program fee of \$115 per dialysis treatment at a renal dialysis facility. The combination of the U8 pricing modifier and the 22 informational modifier reflects an MA Program fee of \$165 per dialysis procedure for backup visits at a facility. MA Program regulations in 55 Pa. Code § 1128.53 (relating to limitations on payment) limits backup visits to no more than 15 in 1 calendar year and further states that backup visits are “dialysis procedures provided at a facility when a patient is required to resume treatment at the facility following home dialysis treatment. Backup services may be necessitated by worsening of the patient’s condition, absence of the dialysis treatment partner, or for the purpose of training a new partner or retraining for a new procedure to be managed in the home.”

#### *Fiscal Impact*

This change is anticipated to have minimal fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary’s Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-788. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1702. Filed for public inspection August 31, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lottery’s \$ 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 Lottery’s \$.
- 2. Price:** The price of a Pennsylvania Lottery’s \$ instant lottery game ticket is \$5.
- 3. Play Symbols:** Each Pennsylvania Lottery’s \$ 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), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24

(TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (EVLN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Cash (CASH) symbol and a Money Bag (MNYBAG) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUN THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000.

6. *Approximate Number of Tickets Printed For the Game:*

Approximately 10,200,000 tickets will be printed for the Pennsylvania Lottery's \$ instant game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag (MNYBAG) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR 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.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag (MNYBAG)

symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in five of the "prize" areas and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bag (MNYBAG) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in four of the "prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR 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 Cash (CASH) 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 Money Bag (MNYBAG) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (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 "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the



“YOUR NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (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:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets</i>
\$5	\$5	8.57	1,190,000
\$5 × 2	\$10	33.33	306,000
\$10	\$10	40	255,000
\$5 × 4	\$20	200	51,000
\$10 × 2	\$20	300	34,000
(\$5 × 2) + \$10	\$20	200	51,000
\$20	\$20	200	51,000
\$5 × 5	\$25	300	34,000
(\$10 × 2) + \$5	\$25	600	17,000
\$20 + \$5	\$25	300	34,000
\$25	\$25	600	17,000
\$5 × 8	\$40	600	17,000
\$10 × 4	\$40	600	17,000
\$20 × 2	\$40	600	17,000
(\$10 × 2) + (\$5 × 4)	\$40	600	17,000
\$40	\$40	600	17,000
\$10 × 5	\$50	300	34,000
\$25 × 2	\$50	300	34,000
(\$20 × 2) + \$10	\$50	300	34,000
\$25 + \$20 + \$5	\$50	300	34,000
\$50	\$50	300	34,000
MONEY BAG w/ ((\$10 × 5) + (\$5 × 10))	\$100	2,182	4,675
\$10 × 10	\$100	3,000	3,400
\$25 × 4	\$100	4,000	2,550
\$50 × 2	\$100	4,000	2,550
\$100 w/ CASH	\$100	1,846	5,525
\$100	\$100	4,000	2,550
MONEY BAG w/ ((\$25 × 4) + (\$10 × 10) + \$50)	\$250	6,667	1,530
\$25 × 10	\$250	12,000	850
\$50 × 5	\$250	12,000	850
(\$100 × 2) + \$50	\$250	12,000	850
(((\$100 w/ CASH) × 2) + \$50	\$250	5,455	1,870
\$250	\$250	12,000	850
MONEY BAG w/ ((\$50 × 5) + (\$25 × 10))	\$500	40,000	255
\$100 × 5	\$500	40,000	255
\$250 × 2	\$500	40,000	255
\$100 w/ CASH × 5	\$500	15,000	680
\$500	\$500	40,000	255
MONEY BAG w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	40,000	255
\$100 × 10	\$1,000	120,000	85
\$250 × 4	\$1,000	120,000	85
\$500 × 2	\$1,000	120,000	85
\$100 w/ CASH × 10	\$1,000	40,000	255
\$1,000	\$1,000	120,000	85
\$1,000 × 10	\$10,000	680,000	15
\$10,000	\$10,000	680,000	15
\$100,000	\$100,000	1,020,000	10

Reveal a “CASH” (CASH) symbol, win \$100 automatically.  
Reveal a “MONEY BAG” (MNYBAG) symbol, win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lottery’s \$ 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 Lottery’s \$ instant game, prize money from winning Pennsylvania Lottery’s \$ 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 Lottery’s \$ 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 Lottery's instant game or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-1703. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Public Utility Realty Tax Act (PURTA); Surcharge Rate Notice for the Tax Year Beginning January 1, 2013

72 P. S. § 8111-A(d) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2013, is zero mills. Therefore, no PURTA surcharge under 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2013.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-1704. Filed for public inspection August 31, 2012, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Catalog of Nonregulatory Documents

The following is an update to the Department of General Services listing in the notice published at 42 Pa.B. 5011, 5065 (August 4, 2012).

#### DEPARTMENT OF GENERAL SERVICES

##### POLICY STATEMENTS:

##### Deputy Secretary for Property Management

(Contact: Daniel Schiavoni, 783-5028)

Use of the Public Areas of the Capitol Complex, 4 Pa. Code §§ 86.1—86.6

##### Bureau of Minority and Women Business Opportunities

(Contact: Kenneth Rapp, 787-5295)

Contract Compliance—Construction Contracts, 4 Pa. Code § 68.101

Internal Guidelines for MBE/WBE Certification, 4 Pa. Code §§ 58.201—58.210

##### Bureau of Real Estate

(Contact: Elizabeth Woods, 787-2834)

Department of General Services Downtown Location Law Guidelines Statement of Policy (Revised)

##### GUIDANCE MANUALS:

##### Bureau of Construction

(Contact: Dan Weinzierl, 787-6330)

Administrative Procedures (1999)

Administrative Procedures for DGS Construction Contracts 2010 Edition

##### Bureau of Engineering and Architecture

(Contact: Gary Taylor, 787-6200)

Bureau of Engineering and Architecture Procedure Manual

Bureau of Engineering and Architecture Project Procedure Manual 2009 Edition

##### Bureau of Minority and Women Business Opportunities

(Contact: Kenneth Rapp, 787-5295)

Contract Compliance Orientation and Training Manual (January 2006).

##### Bureau of Procurement

(Contact: Michael Richart, 787-5862)

M215.3 Procurement Handbook

##### Bureau of Professional Selections and Administrative Services

(Contact: Herbert Pfuhl, 787-7856)

Instructions to Bidders (1999)

Instruction to Bidders 2010 Edition

##### Bureau of Real Estate

(Contact: Elizabeth Woods, 787-2834)

M260.1 Manual for Space Utilization (3/11/2004)

##### Bureau of Supplies and Surplus Operations

(Contact: Mary Beth Stringent, 787-5940)

Surplus Property Distribution Report Systems Users Manual (4/28/2004)

Warehouse and Distribution Division Policies and Procedures Manual (8/15/2006)

##### Bureau of Vehicle Management

(Contact: Steven Weidner, 787-3162)

M615.3 Commonwealth Fleet Procedures Manual (11/10/2011)

##### INTERNAL GUIDELINES:

##### Deputy Secretary for Public Works

(Contact: Elizabeth O'Reilly, 787-7069)

Facilities Strategic Energy Plan (8/24/2004)

##### Bureau of Human Resources

(Contact: Connie A. Tennis, 787-6846)

Standards of Conduct and Behavior GSP 30-13 (Sept 2006)\*

Policy Statement: Equal Employment Opportunity (3/14/2012)\*

Policy Statement: Harassment Free Work Environment (3/14/2012)\*

Policy Statement: Disability-Related Employment (3/14/2012)\*

\*Permanently posted on all bulletin boards

##### Bureau of Police and Safety

(Contact: Richard Shaffer, 787-9013)

Capitol Police Duty Manual

**Commonwealth Agency Recycling Office**

(Contact: John Rarig 772-2300)

Recycling Policy

Agency Toner Cartridge Recycling

Agency Battery Recycling

**MANAGEMENT DIRECTIVES:****Bureau of Facilities Management**

(Contact: Dave Szobocsan, 214-9054)

M.D. 205.24 Display of Flags on Commonwealth Grounds and Buildings and Grounds (10/12/2011)

M.D. 625.8 Contracting for Bargaining Unit Work (2/25/1994)

M.D. 720.5 Amended—Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings (7/25/2008)

**Bureau of Police and Safety**

(Contact: Richard Shaffer, 787-9013)

M.D. 625.4 Enforcement of Fire and Panic Regulations (3/27/1991)

M.D. 625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings (06/29/2012)

M.D. 205.38 Emergency Evacuation and Safe Assembly (2/23/2011)

**Bureau of Publications and Paperwork Management**

(Contact: Marcie Pesta, 787-9047)

M.D. 220.9 Graphic Design, Typesetting, Reproduction, and Printing Services (6/4/1987)

M.D. 240.7 Submission of Changes to the Commonwealth Telephone Directory (8/18/2008)

**Bureau of Procurement**

(Contact: Michael Richart, 787-5862)

M.D. 215.9 Contractor Responsibility Program (10/25/2010)

M.D. 620.1 Coal Sampling and Reporting (10/4/2005)

M.D. 215.8 Contractor Integrity Provisions for Commonwealth Contracts (6/17/2010)

M.D. 215.13 Contract Provision for Donation of Excess Prepared Food (10/12/2011)

M.D. 215.12 Provisions Concerning the Americans with Disabilities Act (10/14/2011)

**Commonwealth Agency Recycling Office**

(Contact: John Rarig 772-2300)

M.D. 205.22—Recycling, Waste Reduction and Procurement of Environmentally Preferable Products (8/29/07)

**Commonwealth Media Services**

(Contact: Jerry Kambic, 787-9777)

M.D. 220.1 Commonwealth Media Services (01/14/2008)

**Bureau of Risk and Insurance Management**

(Contact: Kenneth Love 787-2492)

M.D. 630.1 Agency Insurance Coordinators (10/2/1987)

M.D. 630.2 Reporting of Employee Liability Claims (4/28/1998)

M.D.720.4 Safety and Loss Prevention Program (10/2/1987)

**Bureau of Minority and Women Business Opportunities**

(Contact: Kenneth Rapp, 787-5295)

M.D. 215.16 Contract Compliance Program (9/1/2010)

**Bureau of Professional Selections and Administrative Services**

(Contact: Herbert Pfuhl, 787-7856)

M.D. 625.9 Payment of Contractors and Design Professionals for Agency Funded Construction Projects Undertaken by the Department of General Services (3/9/2001)

**Bureau of Real Estate**

(Contact: Elizabeth Woods, 787-2834)

M.D. 205.39 Use of Complete Physical Street Addresses for Department of General Services Owned or Administered Buildings (4/13/2010)

M.D. 625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services (10/4/2004)

M.D. 625.2 Inventory of Commonwealth Real Property (9/16/2008)

M.D. 625.5 Reporting Surplus Real Property (5/6/1996)

M.D. 625.6 Leasehold Improvements (5/1/2009)

M.D. 625.7 Use of Form STD-291, Request for Lease Action and Budget Approval (11/6/1997)

M.D. 615.15 Vehicle Parking License Agreements (10/26/2006)

**Bureau of Supplies and Surplus Operations**

(Contact: Mary Beth Stringent, 787-5940)

A.C. 11-13 Availability—Commonwealth Telephone Directory (9/21/2011)

**Bureau of Vehicle Management**

(Contact: Steven Weidner, 787-3162)

M.D. 615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles (11/10/2011)

M.D. 615.16 Commonwealth Fleet Policy (11/10/2011)

**EXTERNAL GUIDELINES:****Bureau of Construction**

(Contact: Dan Weinzierl, 787-6330)

Standard Form of Contract, Contract Bond and General Conditions of the Construction Contract 2010

Edition Construction Contract and General Conditions (1999) Construction Forms—Available on DGS Website

**Bureau of Engineering and Architecture**

(Contact: Gary Taylor, 787-6200)

Available on DGS Website:

Professional Agreement &amp; General Conditions (Adobe PDF)

General Requirements Specification Section (Microsoft Word)

Correctional Institutions—Supplemental Provisions—Section 01110 (Microsoft Word)

Professional Selection Forms—Available on DGS Website

Agreement for Professional Services and General Conditions to the Agreement for Professional Services 2010 Edition

**Bureau of Facilities Management**

(Contact: Lori Sherlock, 783-9100)

Application for Use of Public Areas of Capitol Complex (Updated January 2010)

**Bureau of Minority and Women Business Opportunities**

(Contact: Kenneth Rapp, 787-5295)

Available on the DGS Website:

Application and Instruction Guide for Certification as a Minority, Women and Veteran Business Enterprise Recertification Affidavit

Specialized Certification Application

Specialized Recertification Affidavit

Doing Business with the Commonwealth of Pennsylvania

BMWBO Pamphlet

Finding State Bids on the Internet

Agency Purchasing Officers

IT Purchasing Contacts

Ensuring Timely Payments

Right-to-Know

Various Forms for State Contracting

**Bureau of Supplies and Surplus Operations**

(Contact: Mary Beth Stringent, 787-5940)

Available on the DGS Website:

Welcome to PA Surplus Property  
 State Surplus Property Program  
 Fixed Price Auto Sales  
 Federal Surplus (Property Program)  
 1122 Program  
 1033 Law Enforcement (Property Program)  
 Federal Surplus Application  
 1033 Law Enforcement Program Application

**Bureau of Procurement**

(Contact: Michael Richart, 787-5862)

Available on the DGS Website:

Supplier Manual  
 Doing Business with the Commonwealth  
 Locating and Responding to a Solicitation  
 Cooperative Purchasing Program (COSTARS)  
 Green Procurement Information available on DGS  
 website  
 Various Procurement Forms

**Bureau of Risk and Insurance Management**

(Contact: Kenneth Love, 787-2492)

Line of Duty Death and Disability Benefits for Emergency and Law Enforcement Personnel (Updated July 2010)

**Deputy Secretary for Public Works**

(Contact: Elizabeth O'Reilly, 787-7096)

Letter to Contractors and Professionals (5/12/2008)  
 Request for Proposal Process Guidelines (April 2008)  
 Request for Proposals template (April 2008)  
 Scoring Spreadsheet (April 2008)  
 2010 Prison Expansion Design/Build Contracts Request  
 for Proposal Process Guidelines, Version 4

**Right to Know Law**

(Contact: Troy Thompson, 787-5996)

Departmental Policy GSP 4-12 Right-to-Know Policy

[Pa.B. Doc. No. 12-1705. Filed for public inspection August 31, 2012, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

**Meetings Scheduled**

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, September 5, 2012, Data Systems Committee at 10 a.m., Education Committee at 1 p.m. and Executive Committee at 4 p.m.; Thursday, September 6, 2012, Council Meeting at 10 a.m.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
Executive Director

[Pa.B. Doc. No. 12-1706. Filed for public inspection August 31, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, August 16, 2012, and announced the following:

*Action Taken—Regulations Approved:*

Environmental Quality Board #7-460: Noncoal Mining Fees (amends 25 Pa. Code Chapter 77)

**Approval Order**

Public Meeting Held  
August 16, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq., Dissenting; Lawrence J. Tabas, Esq., by Proxy; Dennis A. Watson, Esq., Dissenting

*Environmental Quality Board—  
Noncoal Mining Fees;  
Regulation No. 7-460 (#2864)*

On August 18, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 77. The proposed regulation was published in the August 28, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. At its June 21, 2012 public meeting, the Commission voted to disapprove the final-form regulation. On July 26, 2012, the Board submitted its report and the final-form regulation, without changes, to the Commission.

This final-form rulemaking establishes fees to support the Noncoal Mining Program.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 3307(a) and 3311(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 12-1707. Filed for public inspection August 31, 2012, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).



The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The

final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4935	State Board of Medicine Perfusionist 42 Pa.B. 3597 (June 23, 2012)	07/23/12	08/22/12
16A-5324	State Board of Osteopathic Medicine Perfusionist 42 Pa.B. 3607 (June 23, 2012)	07/23/12	08/22/12

**State Board of Medicine  
Regulation #16A-4935 (IRRC #2951)**

**Perfusionist**

**August 22, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the June 23, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. Comments of the House Professional Licensure Committee.—Consistency with statute; Fiscal impact; Reasonableness; Implementation procedures; Clarity.**

On July 27, 2012, the House Professional Licensure Committee (Committee) submitted the following comments:

- The Committee brings to the Board's attention that proposed Regulation 16A-4935 was published in the June 23, 2012 issue of the *Pennsylvania Bulletin*, approximately 803 days past the eighteen (18) months from the effective date of Act 19 of 2008. The regulations were due on April 12, 2010.

- The Committee recommends that corrections be made to the reference of § 16.13 (relating to licensure, certification, examination and registration fees) (k) Examinations to § 16.13(1) Fees in the following sections:

§ 18.603(a) Application for perfusionist license;

§ 18.604(a) Application for temporary graduate perfusionist license;

§ 18.605(a) Application for temporary provisional perfusionist license;

§ 18.607(b)(1) Biennial registration of perfusionist; and

§ 18.608(c)(2) Inactive status of perfusionist license: reactivation of inactive license.

- The Committee raises issue with the Board's language in § 18.606. The statute, Act 19 of 2008, clearly specifies that the out of state perfusionist must submit a notification of emergency practice with an acknowledgement that the out of state perfusionist is subject to the jurisdiction of the Board. The statute also clearly specifies that the health care facility must certify certain information to the Board. The Committee takes exception to the proposed regulatory language that combines notification by the perfusionist and the certification by the health

care facility. The health care facility cannot acknowledge that the perfusionist is subject to the jurisdiction of the Board. Likewise, the perfusionist cannot certify certain information about the health care facility.

- The Committee questions whether there is a fee for an out of state emergency service perfusionist registration.

- The Committee requests that it be clarified whether an out of state emergency service perfusionist needs individual professional liability insurance or is covered by a facility policy and suggests the Board require proof of insurance prior to the perfusionist performing any services.

- The Committee questions whether the District of Columbia should be added to a list of jurisdictions in § 18.607 to be more consistent with language in § 18.609(c)(2).

- The Committee recommends a typographical correction in § 18.610(b)(5) "complete" citation reference.

- The Committee questions whether in § 18.610(b)(6) the word "sponsor" means continuing education provider as referenced in § 18.610(b)(1)(ii).

- The Committee recommends that § 18.610(b)(11) *Documentation of continuing education* be corrected to read: "Proof of participation in a site visitors' workshop or as an official site visitor consists of a letter from the ABCP" which would then be similar to language found in § 18.610(c)(2)(vii) *Continuing education activities*.

- The Committee suggests that § 18.610 (b)(12) be written to read: Proof of completion of continuing education shall be retained by a licensee for 5 years after completion of the continuing education or after the completion of the biennial registration period for which the continuing education was required, whichever is later.

- The Committee requests a response as to whether there are any sanctions for a licensee who fails to submit proof of meeting continuing education requirements upon the Board's request pursuant to § 18.610(b)(13).

- The Committee requests correction of a typographical error in § 18.611(c) which should read . . . after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage . . .

We will review the Board's responses to these issues in our determination of whether the final-form regulation is in the public interest.

**2. Section 16.13.—Licensure, certification, examination and registration fees.—Fiscal impact; Reasonableness.**

Subsection (l) establishes fees for several licensure applications and biennial registration. We note that the Board's existing regulations include different fee amounts for other medical professions. For example, nurse midwives and physician assistants pay \$40 fees for biennial license renewal under Section 16.13, whereas the proposed biennial registration fee for a perfusionist is \$50. The Board should explain why the proposed licensure fees are reasonable in comparison to those currently imposed by the Board.

**3. Section 18.610.—Continuing education for licensed perfusionists.—Reasonableness; Clarity.**

This section establishes the continuing education requirements for licensed perfusionists. We raise three issues.

First, Subsection (b)(13) states: "The Board *will* audit licensees to verify compliance with continuing education requirements . . ." (Emphasis added.) Does the Board audit all licensees? If not, then we recommend the Board replace the term "will" with "may" in the final-form regulation.

Second, in Subsection (c)(2)(vi), the limitation specified in the last sentence is not clear. It states "two continuing education credits may be earned with a maximum of four credits biennially." Is the intent to limit an instructor to two credits per course? The final-form regulation should clarify the Board's intent.

Finally, under Subsection (c)(2)(vii), participation in site visits may be counted for continuing education credits. This provision specifies that "five continuing education credits may be earned." It is not clear whether all site visits count as five credits, or whether five credits is intended to be the maximum number of credits. The final-form regulation should be amended to clarify the Board's intent.

**State Board of Osteopathic Medicine  
Regulation #16A-5324 (IRRC #2952)**

**Perfusionist**

**August 22, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the June 23, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Osteopathic Medicine (Board) to respond to all comments received from us or any other source.

**1. Comments of the House Professional Licensure Committee.—Consistency with statute; Fiscal impact; Reasonableness; Implementation procedures; Clarity.**

On July 27, 2012, the House Professional Licensure Committee (Committee) submitted the following comments:

- The Committee brings to the Board's attention that proposed Regulation 16A-5324 was published in the June 23, 2012 issue of the *Pennsylvania Bulletin*, approximately 803 days past the eighteen (18) months from the effective date of Act 19 of 2008. The regulations were due on April 12, 2010.

- The Committee raises issue with the Board's language in § 25.806. The statute, Act 20 of 2008, clearly specifies that the out of state perfusionist must submit a notification of emergency practice with an acknowledgement that the out of state perfusionist is subject to the jurisdiction of the Board. The statute also clearly specifies that the health care facility must certify certain information to the Board. The Committee takes exception to the proposed regulatory language that combines notification by the perfusionist and the certification by the health care facility. The health care facility cannot acknowledge that the perfusionist is subject to the jurisdiction of the Board. Likewise, the perfusionist cannot certify certain information about the health care facility.

- The Committee questions whether there is a fee for an out of state emergency service perfusionist registration.

- The Committee requests that it be clarified whether an out of state emergency service perfusionist needs individual professional liability insurance or is covered by a facility policy and suggests the Board require proof of insurance prior to the perfusionist performing any services.

- The Committee questions whether the District of Columbia should be added to a list of jurisdictions in § 25.807 to be more consistent with language in § 25.809(c)(2).

- The Committee recommends a typographical correction in § 25.810(b)(5) "complete" citation reference.

- The Committee questions whether in § 25.810(b)(6) the word "sponsor" means continuing education provider as referenced in § 25.810(b)(l)(ii).

- The Committee recommends that § 25.810(b)(11) *Documentation of continuing education* be corrected to read: "Proof of participation in a site visitors' workshop or as an official site visitor consists of a letter from the ABCP" which would then be similar to language found in § 25.810(c)(2)(vii) *Continuing education activities*.

- The Committee suggests that § 25.810(b)(12) be written to read: Proof of completion of continuing education shall be retained by a licensee for 5 years after completion of the continuing education or after the completion of the biennial registration period for which the continuing education was required, whichever is later.

- The Committee requests a response as to whether there are any sanctions for a licensee who fails to submit proof of meeting continuing education requirements upon the Board's request pursuant to § 25.810(b)(13).

- The Committee requests correction of a typographical error in § 25.811(c) which should read . . . after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage . . .

We will review the Board's responses to these issues in our determination of whether the final-form regulation is in the public interest.

**2. Section 25.231.—Schedule of fees.—Fiscal impact; Reasonableness.**

This section establishes fees for several licensure applications and biennial registration. We note that the Board's existing regulations include different fee amounts for other medical professions. For example, the application for unrestricted license to practice as osteopathic physician is \$45 under Section 25.231, whereas the proposed application fee for a perfusionist license is \$50.

The Board should explain why the proposed licensure fees are reasonable in comparison to those currently imposed by the Board.

**3. Section 25.810.—Continuing education for licensed perfusionist.—Reasonableness; Clarity.**

This section establishes the continuing education requirements for licensed perfusionists. We raise three issues.

First, Subsection (b)(13) states: “The Board *will* audit licensees to verify compliance with continuing education requirements . . .” (Emphasis added.) Does the Board audit all licensees? If not, then we recommend the Board replace the term “will” with “may” in the final-form regulation.

Second, in Subsection (c)(2)(vi), the limitation specified in the last sentence is not clear. It states “two continuing education credits may be earned with a maximum of four credits biennially.” Is the intent to limit an instructor to two credits per course? The final-form regulation should clarify the Board’s intent.

Finally, under Subsection (c)(2)(vii), participation in site visits may be counted for continuing education credits. This provision specifies that “five continuing education credits may be earned.” It is not clear whether all site visits count as five credits, or whether five credits is intended to be the maximum number of credits. The final-form regulation should be amended to clarify the Board’s intent.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-1708. Filed for public inspection August 31, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### PMSLIC Insurance Company; Rate and Rule Filing

On August 15, 2012, the Insurance Department (Department) received from PMSLIC Insurance Company a filing for rate level changes for Physicians and Surgeons Professional Liability insurance. The company requests an overall rate level decrease of 6.0% to be effective January 1, 2013. The filing includes the following revisions:

- \* Changes to manual base rates.
- \* Movement of three counties from one territory to another.
- \* Movement of two specialties from one classification to another.
- \* The introduction of two new classes and two new specialties.

A copy of the filing is available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on “PA Bulletin.”

Unless formal administrative action is taken prior to September 29, 2012, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2013, by operation of law.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1709. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Progressive Preferred Insurance Company; Progressive Specialty Insurance Company; Private Passenger Automobile; Rate Revisions

On August 15, 2012, the Insurance Department (Department) received from Progressive Preferred Insurance Company and Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The companies request an overall 3.5% increase, amounting to \$1,786,153, to be effective October 5, 2012, for new business and November 14, 2012, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

A copy of the filing is available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on “PA Bulletin.”

Unless formal administrative action is taken prior to October 14, 2012, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments regarding the filing to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1710. Filed for public inspection August 31, 2012, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority’s Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, September 11, 2012.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 12-1711. Filed for public inspection August 31, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a



common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 17, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2012-2303448. Hazleton Ambulette Services, Inc.** (724 West 20th Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from points in Luzerne County to points in Pennsylvania, and return.

**A-2012-2305674. QRST2, LLC, t/d/b/a Quick Response Medical Transport** (41 East Front Street, Media, PA 19063) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware, Montgomery and Chester, to points in Pennsylvania, and return.

**A-2012-2307024. Apex Limousine, Inc.** (2928 Glenrose Avenue, Bristol, Bucks County, PA 19007)—persons in limousine service, between points in the Counties of Bucks, Chester, Delaware, Montgomery and the City and County of Philadelphia; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2309603. Gulfstream Ambulance, LLC** (11301 Norcom Road, Philadelphia, PA 19154) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Montgomery, Bucks, Delaware, Chester and Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2012-2304396. Live Life Transportation Club, LLC** (704 Webster Hill Road, Lititz, Lancaster County, PA 17543)—persons in paratransit service, from points in Lancaster 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 convenience as described under each application.**

**A-2012-2305785. Carol E. Higgins, t/a Higgins Classic Limousine Service** (950 Hill Crest Lane, Danielsville, Northampton County, PA 18038)—for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Carbon, Lehigh, Bucks, Berks and Northampton, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2318214. Dorothy G. Knight, t/a Dorothy Knight Travels** (180 Madison Road, Knox, Clarion County, PA 16232)—for the discontinuance of service and cancellation of the certificate as a common carrier, by

motor vehicle, persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Clarion and Venango, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Arace Transportation, LLC; C-2012-2282466; A-9912689*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Arace Transportation, LLC, respondent, operates its business from 1575 North Queen St., York, Pa 17404.

2. That respondent was previously directed, on or about July 15, 2010, at case number 2176815, to cease and desist from further violations of the Public Utility Code at 66 Pa.C.S. § 1101.

3. That on January 26, 2012, carrier did provide transportation for DENTSPLY International Inc., from Lititz, PA, to the Harrisburg International Airport for \$81.60 in compensation, while not holding authority to do so.

4. That respondent, in performing the acts described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent provided transportation for compensation between points in the Commonwealth of Pennsylvania while not holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

Wherefore, the Bureau of Investigation and Enforcement's Prosecutory Staffs hereby requests that the Commission fine Arace Transportation, LLC, the proposed civil penalty of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105 3265

**VERIFICATION**

I, David W. Loucks, Chief of Motor Carrier Enforcement of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 4/25/12 \_\_\_\_\_ David W. Loucks, Chief of Motor  
Carrier Enforcement  
Bureau of Investigation &  
Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105 3265

Or, may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to the:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105 3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an application for authority with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105 3265. If no application is received within the twenty (20) day time period, the Bureau of Investigation and Enforcement will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Technical Utility Services, P. O. Box 3265, Harrisburg, Pennsylvania 17105 3265.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in the Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227. Questions on how to respond to this Complaint may also be directed to the Compliance Office.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1712. Filed for public inspection August 31, 2012, 9:00 a.m.]

**Telecommunications**

**A-2012-2320031. Armstrong Telephone Company North and Cingular Wireless, LLC.** Joint petition of Armstrong Telephone Company North and Cingular Wireless, LLC for approval of amendment to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Armstrong Telephone Company North and Cingular Wireless, LLC, by its counsel, filed on August 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Armstrong Telephone Company North and Cingular Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1713. Filed for public inspection August 31, 2012, 9:00 a.m.]

**Telecommunications**

**A-2012-2320034. Armstrong Telephone Company of PA and Cingular Wireless, LLC.** Joint petition of Armstrong Telephone Company of PA and Cingular Wireless, LLC for approval of amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Armstrong Telephone Company of PA and Cingular Wireless, LLC, by its counsel, filed on August 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Armstrong Telephone Company of PA and Cingular Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1714. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319959. Consolidated Communications of Pennsylvania Company and Comcast Business Communications, LLC.** Joint petition of Consolidated Communications of Pennsylvania Company and Comcast Business Communications, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Consolidated Communications of Pennsylvania Company and Comcast Business Communications, LLC, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Consolidated Communications of Pennsylvania Company and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1715. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319953. Consolidated Communications of Pennsylvania Company and Comcast Phone of Pennsylvania, LLC.** Joint petition of Consolidated Communications of Pennsylvania Company and Comcast Phone of Pennsylvania, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company and Comcast Phone of Pennsylvania, LLC, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania Company

and Comcast Phone of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1716. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319945. Consolidated Communications of Pennsylvania Company and New Cingular Wireless PCS, LLC and its Commercial Mobile Radio Service operating affiliates d/b/a AT&T Mobility.** Joint petition of Consolidated Communications of Pennsylvania Company and New Cingular Wireless PCS, LLC and its Commercial Mobile Radio Service operating affiliates d/b/a AT&T Mobility for approval of amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company and New Cingular Wireless PCS, LLC and its Commercial Mobile Radio Service operating affiliates d/b/a, AT&T Mobility, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania Company and New Cingular Wireless PCS, LLC and its commercial mobile radio service operating affiliates d/b/a AT&T Mobility joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1717. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2320032. Hickory Telephone Company and Cingular Wireless, LLC.** Joint petition of Hickory Telephone Company and Cingular Wireless, LLC for approval of amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Hickory Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 20, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania



Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Hickory Telephone Company and Cingular Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1718. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319928. Lackawaxen Telecommunications Services, Inc. and Sprint Nextel.** Joint petition of Lackawaxen Telecommunications Services, Inc. and Sprint Nextel for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Lackawaxen Telecommunications Services, Inc. and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Lackawaxen Telecommunications Services, Inc. and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1719. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319927. Laurel Highland Telephone Company and Sprint Nextel.** Joint petition of Laurel Highland Telephone Company and Sprint Nextel for approval of amendment to a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Laurel Highland Telephone Company and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Laurel Highland Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1720. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319924. North Penn Telephone Company and Sprint Nextel.** Joint petition of North Penn Telephone Company and Sprint Nextel for approval of Amendment to a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Penn Telephone Company and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Penn Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1721. Filed for public inspection August 31, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2319929. Palmerton Telephone Company and Sprint Nextel.** Joint petition of Palmerton Telephone Company and Sprint Nextel for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Palmerton Telephone Company and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Palmerton Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1722. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2319926. Pymatuning Telephone Company and Sprint Nextel.** Joint petition of Pymatuning Telephone Company and Sprint Nextel for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Pymatuning Telephone Company and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Pymatuning Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1723. Filed for public inspection August 31, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2319925. South Canaan Telephone Company and Sprint Nextel.** Joint petition of South Canaan Telephone Company and Sprint Nextel for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of South Canaan Telephone Company and Sprint Nextel, by its counsel, filed on August 16, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 South Canaan Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1724. Filed for public inspection August 31, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-066.8, Cargo Elevator Repairs—Pier 84 South, until 2 p.m. on Thursday, September 27, 2012. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1725. Filed for public inspection August 31, 2012, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

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

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

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

## Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Dean Zeiset 1773 River Road Marietta, PA 17547	Lancaster County/East Donegal Township	58.5	Layers	New	Approved
Gordon Zeigler 506 Rock Point Road Mount Joy, PA 17552	Lancaster County/East Donegal Township	166.44	Broilers	New	Approved
Shady Brae Farms, Inc. 999 South Colebrook Road Manheim, PA 17545	Lancaster County/East Hempfield and Penn Townships	1890	Layers	Amended	Approved
Valentine Byler 1640 Dayton Road Dayton, PA 16222	Armstrong County/Wayne Township	46.45	Veal	New	Approved

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 12-1726. Filed for public inspection August 31, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on September 20, 2012, at 8:30 a.m. in the North Office Building, Hearing Room 1 (Ground Level), North Street (at Commonwealth Avenue), Harrisburg, PA 17120. Details concerning the matters to be addressed at the 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.

#### *Opportunity to Appear and Comment*

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's web site at [www.srbc.net](http://www.srbc.net). As identified in the public hearing notice referenced as follows, written comments on the Regulatory Program projects that were the subject of the public hearing and are listed for action at the business meeting, are subject to a comment deadline of September 4, 2012. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna

River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391 or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before September 4, 2012, to be considered.

#### *Supplementary Information*

The business meeting will include actions on the following items: (1) ratification/approval of agreements; (2) partial waiver of application fees for withdrawn applications; (3) conditional transfer extension request of Talon Holdings, LLC related to the Hawk Valley Gold Course, Lancaster County, PA; (4) issuance of corrective docket to Nature's Way Purewater Systems, Inc. (Covington Springs Borehole), Dupont Borough, Luzerne County, PA; and (5) Regulatory Program projects. Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 23, 2012, and identified in the notice for such hearing, which was published at 77 FR 44703 (July 30, 2012).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* August 17, 2012.

PAUL O. SWARTZ,  
*Executive Director*

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