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PENNSYLVANIA BULLETIN

Volume 41
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Number 38
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Agencies in this issue

The Governor
The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of Transportation
Environmental Hearing Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Pennsylvania Stimulus Oversight Commission
Philadelphia Regional Port Authority
State Board of Chiropractic
State Board of Dentistry
State Board of Nursing
State Board of Physical Therapy
State Board of Veterinary Medicine

Detailed list of contents appears inside.



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

No. 442, September 2011

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CONTENTS

THE GOVERNOR

Proclamation of emergency 4942

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of administrative suspension 4946

LOCAL COURT RULES

Snyder County

Juvenile restitution fund; no. CP-55-AD-0000010-2011 4944

Juvenile restitution fund; no. CP-55-AD-0000011-2011 4944

Victim services fee; no. CP-55-AD-0000012-2011 4945

Victim services fee; no. CP-55-AD-0000013-2011 4945

Union County

Juvenile restitution fund; no. CP-60-AD-2-2011; 11 00633 4945

Juvenile restitution fund; no. CP-60-AD-3-2011; 11 00634 4946

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Actions on applications (2 documents) 4985, 4986

Maximum lawful rate of interest for residential mortgages for the month of October 2011 4987

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Conservation and Natural Resources Advisory Council meeting 4987

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 4987

Bid opportunity (3 documents) 5040, 5041

Extension of the current Pennsylvania National Pollutant Discharge Elimination System general permit for stormwater discharges from municipal separate storm sewer systems (PAG-13) 5041

Extension of National Pollutant Discharge Elimination System concentrated animal feeding operations general permit (PAG-12) 5041

Renewal of Pennsylvania National Pollutant Discharge Elimination System general permit for stormwater discharges from municipal separate storm sewer systems (PAG-13) 5042

State Board for Certification of Water and Wastewater Systems Operators rescheduled meeting . . . 5042

DEPARTMENT OF TRANSPORTATION

Statements of Policy

Consultant highway design errors 4984

Notices

Finding (3 documents) 5043, 5044

ENVIRONMENTAL HEARING BOARD

Notices

Pen Argyl Municipal Authority v. DEP; EHB doc. no. 2011-129-C 5044

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meetings scheduled 5044

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of filing of final rulemakings 5045

INSURANCE DEPARTMENT

Rules and Regulations

Fraternal beneficial societies 4948

Notices

Agency contract termination of Medical Liability Agency under Act 143; Medical Protective Company; doc. no. AT11-08-019 5045

Allstate Property and Casualty Insurance Company; private passenger automobile; rate revisions 5045

Application and request for approval to redomesticate from Elizabethtown Insurance Company 5045

Blue Cross of Northeastern Pennsylvania; request for approval to increase rates for the special care program; rate filing 5046

Capital BlueCross and Capital Advantage Insurance Company No. 11-41; request for approval to increase rates for the individual direct pay special care basic hospitalization and medical-surgical plans; rate filing 5046

Capital BlueCross and Capital Advantage Insurance Company; Traditional Non-Group Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Preferred Provider Program; rate filing 5046

Donegal Mutual Insurance Company; homeowner; rate revisions 5046

Insurance Services Office, Inc.; homeowners loss cost revision; rate filing 5047

Review procedure hearings; cancellation or refusal of insurance 5047

Review procedure hearings under the Unfair Insurance Practices Act 5047

Travelers Home and Marine Insurance Company; homeowners; rate revision 5048

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

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 5048

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Table game equipment, minimum training standards and rules of play; temporary regulations 4949

Table game internal controls; rules of play; temporary regulations 4952

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 5048

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Notices

Public meeting 5050

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids (2 documents) 5050

STATE BOARD OF CHIROPRACTIC

Proposed Rulemaking

Licensure by reciprocity 4958

STATE BOARD OF DENTISTRY

Proposed Rulemaking

Expanded function dental assistant scope of practice and continuing education 4960

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v. Erin Marie Castiglia-Shaffer, LPN; doc. no. 1633-51-2010 5050

Bureau of Professional and Occupational Affairs v. Jennifer Hanna Johnson, LPN; doc. no. 1901-51-10; file no. 07-51-03513 5051

STATE BOARD OF PHYSICAL THERAPY

Proposed Rulemaking

Act 38 of 2008 Amendments 4962

STATE BOARD OF VETERINARY MEDICINE

Proposed Rulemaking

Professional conduct; notice of animal supervision . . 4982

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)			
Adopted Rules			
1	2686	37	2847
		43b	2853, 2856
4 Pa. Code (Administration)		47	4627
Adopted Rules		48	4627
6	1754	49	4627
Statements of Policy		Proposed Rules	
9	522, 614, 1784, 3100, 3733, 4441, 4854	5	4958
7 Pa. Code (Agriculture)		11	4541
Adopted Rules		27	1337
59	2540	31	4982
59a	2540	33	4960
		40	4962
Proposed Rules		42	1909
144	2123	43b	4535, 4538
Statements of Policy		52 Pa. Code (Public Utilities)	
28c	351	Adopted Rules	
25 Pa. Code (Environmental Protection)		23	4100
Adopted Rules		62	30
78	805	Proposed Rules	
86	3084, 4624	59	1020
87	3084	1001	435
88	3084	1003	435
89	3084	1005	435
90	3084	1011	435
93	1335, 4751, 4754	1013	435
105	219	1015	435
121	4761	1017	435
127	4761	1019	435
129	229	1021	435
250	230, 840, 1458	1023	435
901	3187	1025	435
		1027	435
Proposed Rules		1029	435
806	3987	1051	435
901	1173	1053	435
31 Pa. Code (Insurance)		1055	435
Adopted Rules		1057	435
39	592	1059	435
39a	592	1061	435
43	4948	1063	435
84b	599	1065	435
84c	600	Statements of Policy	
84d	601	41	3009, 3863
118a	602	55 Pa. Code (Public Welfare)	
34 Pa. Code (Labor and Industry)		Adopted Rules	
Adopted Rules		1187	4630
61	844	1189	4630
63	3094	Statements of Policy	
65	848	6000	352
40 Pa. Code (Liquor)		58 Pa. Code (Recreation)	
Proposed Rules		Adopted Rules	
3	4104	51	2437
5	4104	53	2438
49 Pa. Code (Professional and Vocational Standards)		63	2950
Adopted Rules		65	2950
5	2845	95	2438
20	16	111	2438

131	2687	527	1769
135	1621, 1764	528	605
139	2688	529	605
141	1622, 1623, 1765, 2694, 2695, 2696, 2697, 2698, 2699	531	3000
143	2700	533	3000
147	1624, 1764, 1766, 1767, 4419	535	2981
401a	2439	537	2981
421a	2439	539	2981
439a	2439	541	3196, 3732
440a	2439	543	3196, 3732
441a	2439	545	3196, 3732
451a	2439	549	4421
465a	2439	555	3975
481a	2439	557	3836
501a	2439	559	3836
503a	2439	561	4421
521	234	563	3975
523	2952, 3825, 4949	565	3836
525	234, 1897, 2329, 2952	567	3000
526	3825	569	3836
527	4949	601a	1769
531	1897	603a	238
535	234, 1897, 2329	605a	605
537	234, 2952	609a	1769
539	1897	611a	1769
541	234, 2952, 2962	613a	605
543	234, 2329, 2962	615a	605
545	234, 2952	617a	3000
549	234, 1897, 2329, 4949, 4952	619a	3000
553	2329	621a	2981
555	3825	623a	2981
557	2962	625a	2981
559	2962	627a	3196, 3732
561	1897, 4952	629a	3196, 3732
563	1897, 3825	631a	3196, 3732
565	234, 2329, 4949	633a	4421
569	234, 2962, 3825	639a	3975
571	2952, 2962	641a	3836
573	3825	643a	3836
		645a	4421
		647a	3975
		649a	3836
		651a	3000
		653a	3836
Proposed Rules			
51	2971	61 Pa. Code (Revenue)	
53	2978	Adopted Rules	
61	2444	1001	41
63	2444, 2976	Proposed Rules	
65	2447, 2976	901	4638
97	2975, 2978	Statements of Policy	
111	2978	60	3543
131	1633	67 Pa. Code (Transportation)	
137	4637	Adopted Rules	
139	1634	83	46
141	1625, 1626, 1627, 1629, 1631	Statements of Policy	
143	1625	455	4984
147	2701, 4420	101 Pa. Code (General Assembly)	
401a	1018, 2581	Statements of Policy	
405a	1018	31	4775
423a	1903	201 Pa. Code (Rules of Judicial Administration)	
433a	1903	Adopted Rules	
435a	1903	7	4417
436a	1903	19	3719
461a	2581		
465a	2581		
467a	2581		
513a	1903		
521	1769, 2581		
523	238		
524	605		
525	2581		
526	1769		

204 Pa. Code (Judicial System General Provisions)

Adopted Rules
 29 1894, 4845
 71 1895
 83 331, 2119, 2932, 3526
 85 1757, 4202
 87 4202
 89 4202
 91 4202
 93 4202
 211 1894

Proposed Rules
 29 4084
 83 2517, 4200, 4845

207 Pa. Code (Judicial Conduct)

Adopted Rules
 33 4620
 51 332

Proposed Rules
 115 1332

210 Pa. Code (Appellate Procedure)

Adopted Rules
 11 923
 15 1999
 63 923, 2837, 4620
 67 1456, 2413

Proposed Rules
 1 2212
 3 4529
 9 2212, 3968, 4529
 15 3968
 17 3968, 4529
 19 2212, 4529
 27 2212

225 Pa. Code (Rules of Evidence)

Proposed Rules
 I 2795
 II 2795
 III 2795
 IV 2795
 V 2795
 VI 2795
 VII 2795
 VIII 2795
 IX 2795
 X 2795

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 7, 214, 215, 333
 1000 3526
 1910 4531, 4847, 4849, 4851
 1920 1758
 3000 333
 4000 334
 Part II 336

Proposed Rules
 200 2314
 1000 2315
 1300 2316

1910 1617, 1618, 1619, 3527
 1915 3719
 Part II 2932

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 1999
 3 1759
 4 1167
 5 834
 9 1999
 10 216, 834, 3970

Proposed Rules
 1 1008, 2214, 3810
 4 3812
 5 3810
 6 2318
 7 1011
 9 2214

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 2319, 2413, 2429, 2684, 2839
 2 2319, 2413, 3180
 3 2319, 2684, 3180
 4 2319, 2413, 3180
 5 2319, 2413, 2684, 3180
 6 2319, 2413, 3180
 8 2319
 11 2319, 2413, 2430, 2839
 12 2319, 2413, 2839
 14 2319, 2413
 15 2319, 2413
 16 2319, 2413, 2430, 2434
 18 2413, 2430, 2434, 2839

Proposed Rules
 1 8, 1013
 4 2522
 5 3528
 6 3528
 8 8
 11 8
 12 8
 18 8

249 Pa. Code (Philadelphia Rules)
 Unclassified 1760, 3534, 3730

255 Pa. Code (Local Court Rules)
 Unclassified .. 14, 218, 344, 346, 521, 588, 589, 590, 724,
 837, 838, 839, 924, 1016, 1017, 1168, 1169, 1332,
 1456, 1620, 1763, 1896, 2001, 2002, 2221, 2224,
 2225, 2525, 2532, 2537, 2843, 3083, 3184, 3541,
 3821, 3822, 3823, 3972, 3973, 3974, 4085, 4086,
 4089, 4097, 4098, 4208, 4532, 4533, 4534, 4621,
 4622, 4852, 4853, 4944, 4945, 4946

THE GOVERNOR

Proclamation of Emergency

August 26, 2011

Whereas, ongoing monitoring and projections made at my direction by the National Weather Service and the National Hurricane Center have disclosed that Hurricane Irene is going to strike the Commonwealth of Pennsylvania; and

Whereas, Hurricane Irene has the potential to cause widespread and heavy rains and high winds throughout the Commonwealth of Pennsylvania, which in turn poses a serious threat for flooding and other adverse impacts throughout the Commonwealth; and

Whereas, Hurricane Irene's potentially heavy rains, high winds, and risk of flooding may result in extensive damage to roads, streets, and bridges, private homes, businesses, and may cause other adverse impacts upon the general population of Pennsylvania; and

Whereas, the emergency situation caused by Hurricane Irene may be of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$5,000,000.00 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; the time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

Further, I hereby direct the Pennsylvania Emergency Management Agency to activate and staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to coordinate and direct the emergency preparedness and response activities of other state agencies and departments as deemed necessary to deal with the exigencies of this impending emergency situation through implementation of the State Emergency Operations Plan; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the areas that may be affected by the disaster are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed,

or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this impending emergency; and

Further, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities across the state to provide emergency relief during this emergency, I direct the Department of Transportation to hereby waive any laws or Federal or state regulations related to drivers of commercial vehicles; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and

Further, I hereby authorize the Commissioner of the Pennsylvania State Police, under the direction of the Pennsylvania Emergency Management Agency Director or designee, to use all available resources and personnel of the Department, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address the emergency resulting from the related hurricane weather; and

Further, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely, by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-sixth day of August in the year of our Lord two thousand eleven, and of the Commonwealth the two hundred and thirty-fifth.



Governor

[Pa.B. Doc. No. 11-1586. Filed for public inspection September 16, 2011, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

SNYDER COUNTY

Juvenile Restitution Fund; No. CP-55-AD-0000010-2011

Order

And Now, this 23rd day of August, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of Snyder County and Union County, Pennsylvania, adopts the Juvenile Restitution Fund pursuant to section 6352(a)(5) of the Juvenile Act.

The following Guidelines dated July 14, 2011 are incorporated herein by reference.

By the Court

MICHAEL H. SHOLLEY,
President Judge

Snyder and Union County Juvenile Restitution Fund Guidelines July 14, 2011

I. Definitions

1. Restitution Fund—A fund established by the president judge of a court of common pleas under section 6352(a)(5) of the Juvenile Act (relating to disposition of delinquent child), from which disbursements are made at the discretion of the president judge pursuant to written guidelines promulgated by the president judge and the limitations of the Juvenile Act, and used to reimburse crime victims for financial losses resulting from delinquent acts.

2. Crime Victim—individual(s), non-profit-charitable organizations, and governmental entities that suffer financial loss as a result of delinquent acts.

II. Establishment and Administration of Restitution Funds

Monies currently in the Snyder County Juvenile Collection Trust Account will be used to create the new Juvenile Restitution Fund (JRF). To further fund the Juvenile Restitution Fund, every adjudicated delinquent or individual placed on consent decree shall pay a mandatory, one time, case management fee into the JRF, of twenty-five dollars. Payment of this case management fee cannot be waived, nor can community service, in place of payment, be used.

The Juvenile Restitution Fund will pay out a maximum of \$500 of restitution to a crime victim per case without a court order, depending on the cost of damages or financial loss resulting from delinquent acts. The adjudicated individual will then gradually pay back their restitution to the Juvenile Restitution Fund, based on the specific terms of their probation. Restitution shall not exceed the court's determination of restitution.

Should an individual victim's need be too great, as decided by the sentencing judge, and the restitution being paid out to that victim is determined to be too low, the sentencing judge may increase the pay out from the Juvenile Restitution Fund. This is at the sole discretion of the sentencing judge for special cases in which the

victim's financial hardship is such that restitution paid out to them is deemed insufficient.

All payments from the Juvenile Restitution Fund must be approved by the Chief Probation Officer and the Probation Officer assigned to the case. Any payments in excess of the \$500 referenced above shall be approved by the president judge.

All adjudicated individuals aged 16 years or older that cannot pay their restitution will be required to find part-time employment and use earnings to pay off restitution owed. If an adjudicated individual cannot find employment, they must submit five job applications per week as proof of an attempt to find employment.

Adjudicated individuals aged 12 to 15 years that cannot find, or are too young to have, part-time employment and cannot pay their restitution will be required to perform community service in lieu of a part-time job. The number of required hours of community service will be calculated by dividing the amount of restitution owed by the amount of Pennsylvania State minimum wage.

III. *Disbursements From The Restitution Fund* (adopted from The Pennsylvania Code, Subchapter F. Standards Governing the Administration of Restitution Funds)

The Juvenile Restitution Fund is to be administered by the Probation Department.

Disbursements from the restitution fund shall be made at the discretion of the president judge, and shall be used to reimburse crime victims for financial losses resulting from delinquent acts. Disbursements from the fund shall require the signatures of the Chief Probation Officer and either the Chief Juvenile Probation Officer or the Juvenile Probation Officer assigned to the case.

An annual report to the president judge, detailing the aggregate and individual data regarding payments to and disbursements from the restitution fund, and an annual audit, under county policy, of all payments to and disbursements from the fund, will be required.

[Pa.B. Doc. No. 11-1587. Filed for public inspection September 16, 2011, 9:00 a.m.]

SNYDER COUNTY

Juvenile Restitution Fund; No. CP-55-AD-0000011-2011

Order

And Now, this 23rd day of August, 2011, the court hereby *Approves, Adopts and Promulgates* Snyder and Union County Administrative Order CP-55-AD-0000010-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-55-AD-0000010-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-55-AD-0000010-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-55-AD-0000010-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1588. Filed for public inspection September 16, 2011, 9:00 a.m.]

SNYDER COUNTY

Victim Services Fee; No. CP-55-AD-0000012-2011

Order

And Now, this 26th day of August, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of 17th Judicial District of Pennsylvania adopts a fee in the amount of seventy-five dollars (\$75.00) for all criminal and juvenile cases for which there is a victim for the purposes of sustaining victim services. This fee is created due to the Commonwealth's reduction of funding for victim services as mandated by the Crime Victims Act 18 P. S. § 11.01, et seq.

This fee shall be imposed in every juvenile and criminal case for which there is a victim.

The effective date of this Order shall be thirty (30) days after advertising in the *PA Legal Bulletin*.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1589. Filed for public inspection September 16, 2011, 9:00 a.m.]

SNYDER COUNTY

Victim Services Fee; No. CP-55-AD-0000013-2011

Order

And Now, this 1st day of September, 2011, the court hereby *Approves, Adopts and Promulgates* Snyder and Union County Administrative Order CP-55-AD-0000012-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-55-AD-0000012-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-55-AD-0000012-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-55-AD-0000012-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1590. Filed for public inspection September 16, 2011, 9:00 a.m.]

UNION COUNTY

Juvenile Restitution Fund; No. CP-60-AD-2-2011; 1100633

Order

And Now, this 23rd day of August, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of Snyder County and Union County, Pennsylvania, adopts the Juvenile Restitution Fund pursuant to section 6352(a)(5) of the Juvenile Act.

The following Guidelines dated July 14, 2011 are incorporated herein by reference.

By the Court

MICHAEL H. SHOLLEY,
President Judge

Snyder and Union County

Juvenile Restitution Fund Guidelines

July 14, 2011

I. Definitions

1. **Restitution Fund**—A fund established by the president judge of a court of common pleas under section 6352(a)(5) of the Juvenile Act (relating to disposition of delinquent child), from which disbursements are made at the discretion of the president judge pursuant to written guidelines promulgated by the president judge and the limitations of the Juvenile Act, and used to reimburse crime victims for financial losses resulting from delinquent acts.

2. **Crime Victim**—individual(s), non-profit-charitable organizations, and governmental entities that suffer financial loss as a result of delinquent acts.

II. Establishment and Administration of Restitution Funds

Monies currently in the Snyder County Juvenile Collection Trust Account will be used to create the new Juvenile Restitution Fund (JRF). To further fund the Juvenile Restitution Fund, every adjudicated delinquent or individual placed on consent decree shall pay a mandatory, one time, case management fee into the JRF, of twenty-five dollars. Payment of this case management fee cannot be waived, nor can community service, in place of payment, be used.

The Juvenile Restitution Fund will pay out a maximum of \$500 of restitution to a crime victim per case without a court order, depending on the cost of damages or financial loss resulting from delinquent acts. The adjudicated individual will then gradually pay back their restitution to the Juvenile Restitution Fund, based on the specific terms of their probation. Restitution shall not exceed the court's determination of restitution.

Should an individual victim's need be too great, as decided by the sentencing judge, and the restitution being paid out to that victim is determined to be too low, the sentencing judge may increase the pay out from the Juvenile Restitution Fund. This is at the sole discretion of the sentencing judge for special cases in which the victim's financial hardship is such that restitution paid out to them is deemed insufficient.

All payments from the Juvenile Restitution Fund must be approved by the Chief Probation Officer and the Probation Officer assigned to the case. Any payments in excess of the \$500 referenced above shall be approved by the president judge.

All adjudicated individuals aged 16 years or older that cannot pay their restitution will be required to find part-time employment and use earnings to pay off restitution owed. If an adjudicated individual cannot find employment, they must submit five job applications per week as proof of an attempt to find employment.

Adjudicated individuals aged 12 to 15 years that cannot find, or are too young to have, part-time employment and cannot pay their restitution will be required to perform community service in lieu of a part-time job. The number of required hours of community service will be calculated by dividing the amount of restitution owed by the amount of Pennsylvania State minimum wage.

III. *Disbursements From The Restitution Fund* (adopted from The Pennsylvania Code, Subchapter F. Standards Governing the Administration of Restitution Funds)

The Juvenile Restitution Fund is to be administered by the Probation Department.

Disbursements from the restitution fund shall be made at the discretion of the president judge, and shall be used to reimburse crime victims for financial losses resulting from delinquent acts. Disbursements from the fund shall require the signatures of the Chief Probation Officer and either the Chief Juvenile Probation Officer or the Juvenile Probation Officer assigned to the case.

An annual report to the president judge, detailing the aggregate and individual data regarding payments to and disbursements from the restitution fund, and an annual audit, under county policy, of all payments to and disbursements from the fund, will be required.

[Pa.B. Doc. No. 11-1591. Filed for public inspection September 16, 2011, 9:00 a.m.]

UNION COUNTY

**Juvenile Restitution Fund; No. CP-60-AD-3-2011;
1100634**

Order

And Now, this 23rd day of August, 2011, the court hereby *Approves, Adopts and Promulgates* Snyder and Union County Administrative Order CP-60-AD-2-2011 11-00633, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-60-AD-2-2011 11-00633, with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-60-AD-2-2011 11-00633, and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-60-AD-2-2011 11-00633, with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

[Pa.B. Doc. No. 11-1592. Filed for public inspection September 16, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 2, 2011, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 1, 2011, for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Berney, Elizabeth Ann
New York, NY

Bristow, Albert Christopher
Cherry Hill, NJ

Brown, Jr., Jasper C.
Winston-Salem, NC

Coleman, Jr., William T.
Washington, DC

Davis, Mary G. McLaughlin
San Diego, CA

Duffield, Michelle Laura
Mount Laurel, NJ

Frank, Bradley Joseph
Minneapolis, MN

Gordon, Kimberly M.
Duluth, GA

Harris, John Gerard
Wilmington, DE

Hawranko, George Edward
Cleveland, OH

Herman, Richard Bruce
New York, NY

Hudson, Craig S.
Fort Lauderdale, FL

Inemer, Timothy P.
Centreville, VA

Katsafanas, Vasilis C.
Orlando, FL

Kim, Daniel Thomas
Los Angeles, CA

Kitay, Harvey
New York, NY

Lane, Mary Elisa
Gaithersburg, MD

Masciocchi, Thomas G.
Clementon, NJ

McCarthy, Shawn P.
East Brunswick, NJ

Moldovsky, Joel S.
Israel

O'Hearn, Christine P.
Westmont, NJ

Pepe, Valerie J.
Moorestown, NJ

Piccone, Louis Alfred
Dalton, MA

Rich, Archie Leon
Washington, DC

Robertson, David Patrick
Washington, DC

Schmidt, R. Jeffrey
Dallas, TX

Shaw, Sharyn
Tallmadge, OH

Tamburro, James Augustus
Marlton, NJ

Towers, Karin Dianne
Kingston, MA

Tulloss, Mark Hutchins
United Arab Emirates

Ware, Charles J.
Columbia, MD

Weisbrot, Steven M.
Edison, NJ

Ziegler, Chad
Brooklyn, NY

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-1593. Filed for public inspection September 16, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 43]

Fraternal Beneficial Societies

The Insurance Department (Department) rescinds Chapter 43 to read as set forth in Annex A. This final-omitted rulemaking is adopted under the authority in 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 Article XXIV of The Insurance Company Law of 1921 (act) (40 P. S. §§ 991.2401—991.2466), regarding fraternal benefit societies.

Notice of the proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). The proposed rulemaking procedures in this instance are unnecessary because the Department is rescinding obsolete regulations that have been superseded by statute.

Purpose

The purpose of this final-omitted rulemaking is to rescind Chapter 43 to eliminate obsolete, unnecessary regulations. The regulations were adopted on July 23, 1948, under the authority of section 5 of the act of June 4, 1937 (P. L. 1643, No. 342) (Act 342) (40 P. S. § 1105). The regulations related to the establishment and valuation of life insurance reserves by beneficial societies that fell within the scope of section 1 of Act 342 (40 P. S. § 1101). This type of society no longer exists as an entity licensed to transact insurance in this Commonwealth.

Act 342, which initially authorized the regulations, was initially repealed by section 905 of the Fraternal Benefit Society Code of 1977 (40 P. S. § 1141-905) and further by section 701 of the Fraternal Benefit Societies Code of 1992 (40 P. S. § 1142-701) insofar as it was inconsistent with those acts. Finally, the Fraternal Benefit Societies Code of 1992 was replaced by Article XXIV of the act. Specifically, the requirements in the regulations have been replaced by section 9 of the act (40 P. S. § 991.2451) and other current laws and regulations regarding the establishment and valuation of reserves for life insurance products.

Affected Parties

Entities currently licensed to transact insurance business in this Commonwealth will not be affected by the rescission of these obsolete, unnecessary regulations.

Fiscal Impact

State government

The rescission of these obsolete, unnecessary regulations will not increase the Department's costs.

General public

The rescission of these obsolete, unnecessary regulations will not have fiscal impact on the general public.

Political subdivisions

The rescission of these obsolete, unnecessary regulations will not impose additional costs on political subdivisions.

Private sector

The rescission of these obsolete, unnecessary regulations will not impose costs on fraternal benefit societies or other insurers writing life insurance in this Commonwealth.

Paperwork

The final-omitted rulemaking will not impose paperwork on the Department.

Effectiveness/Sunset Date

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

Contact Person

Questions regarding the final-omitted rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-8378, psalvatore@state.pa.us.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on July 15, 2011, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on August 24, 2011, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 25, 2011, and approved the final-omitted rulemaking.

Findings

The Insurance Commissioner finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because this final-omitted rulemaking rescinds obsolete regulations.

(2) There is good cause to forego public notice of the intention to rescind Chapter 43 because notice of the amendments under the circumstances is unnecessary, impractical and not contrary to the public interest under section 204 of the CDL.

(3) Public comment cannot change the fact that the regulations are obsolete.

Order

The Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa. Code Chapter 43, are amended by deleting §§ 43.1 and 43.2 to read as set forth in Annex A.

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

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

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

MICHAEL F. CONSEDINE,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4923 (September 10, 2011).)

Fiscal Note: 11-248. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 31. INSURANCE
PART I. GENERAL PROVISIONS
Subpart D. (Reserved)
CHAPTER 43. (Reserved)

§§ 43.1 and 43.2. (Reserved).

[Pa.B. Doc. No. 11-1594. Filed for public inspection September 16, 2011, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 523, 527, 549 AND 565]

Table Game Equipment, Minimum Training Standards and Rules of Play; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1), and the specific authority in 4 Pa.C.S. § 13A02(1), (2) and (7) (relating to regulatory authority), amends temporary regulations in Chapters 523, 527, 549 and 565 to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends the sections on table game equipment and minimum training standards and adds additional options in Blackjack and Three Card Poker.

Explanation of Chapters 523, 527, 549 and 565

In Chapter 523 (relating to table game equipment), this temporary rulemaking amends the provisions prohibiting the use of reconstructed sets of Pai Gow tiles when one or more tiles in a set are no longer suitable for use in gaming. Section 523.18 (relating to Pai Gow tiles; receipt, storage, inspections and removal from use) allows certificate holders to create replacement sets of tiles provided that certain requirements are met, such as inspecting the tiles in a reconstructed set to ensure that the backs, sides and edges of each tile have similar shading, texture and finish to the other tiles in the reconstructed set.

In Chapter 527 (relating to minimum training standards), a certificate holder or gaming school may offer the minimum number of hours of training required under § 527.2 (relating to minimum proficiency requirements) over an alternative period of time. A certificate holder or

gaming school that desires to offer training using an alternative schedule shall submit a request to the Board's Executive Director for approval.

In Chapter 549 (relating to Blackjack), a new side bet, the Bad Beat Progressive Wager, has been added to Blackjack. Certificate holders that offer the wager will be required to use an electronic wagering system for placement of the Bad Beat Progressive Wager. The dealing procedures and the payout odds are in new § 549.24 (relating to Bad Beat Progressive Wager; payout odds).

In Chapter 565 (relating to Three Card Poker), four new pay tables for the Pair Plus Wager and the Ante Bonus in § 565.12(d) and (e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) have been added.

Affected Parties

The amendments in this temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities. Additionally, amendments to the minimum training standards will allow greater flexibility to certificate holders, gaming schools and potentially the students involved in table games training regarding when training will be conducted.

Fiscal Impact

Commonwealth. The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agency. Internal control procedures submitted by certificate holders will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private sector. The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. Additionally, certificate holders that offer Pai Gow will see some cost savings as they may now create reconstructed sets using replacement tiles instead of destroying entire sets of Pai Gow tiles when any one tile is damaged during play.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play at table games, the certificate holder will be required to submit an updated rules submission reflecting the changes. Additionally, a certificate holder that opts to use reconstructed sets of Pai Gow tiles will be required to update and submit for approval their internal controls.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how the temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel,

Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Temporary Regulation #125-158.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 523, 527, 549 and 565, are amended by adding § 549.24 and by amending §§ 523.18, 527.2, 549.2 and 565.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective September 17, 2011.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: See 41 Pa.B. 4952 (September 17, 2011) for the adoption of § 549.23.)

Fiscal Note: 125-158. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 523. TABLE GAME EQUIPMENT

§ 523.18. Pai Gow tiles; receipt, storage, inspections and removal from use.

* * * * *

(n) If after completing the inspection procedures required in subsection (m), it is determined that a complete set of 32 tiles removed from a gaming table is free from tampering, markings or alterations, the set may be returned to the Pai Gow storage area for subsequent gaming use in accordance with procedures approved by the Bureau of Gaming Operations. Individual tiles from different sets may not be used to make a complete set for subsequent gaming use provided, however that a certificate holder may, in accordance with its approved internal controls, create replacement and reconstructed tile sets in accordance with the following requirements:

(1) If after completing the inspection procedures required under subsection (m), it is determined that tiles have scratches or other markings on the back, sides or edges which make the tiles unsuitable for continued use, the tiles shall be removed from the set and destroyed in accordance with subsection (p). The remaining usable tiles from the set shall then be designated as a replacement set. The individual removing tiles from a set shall complete a three-part form. The triplicate copy of the form shall be retained with the replacement set, the duplicate copy shall be delivered to the casino compliance representative and the certificate holder shall retain the original. The three-part form shall:

(i) Include the date and time of removal.

(ii) Identify the specific tile or tiles removed and sent for destruction.

(iii) Contain the signature of the preparer.

(2) The assistant table games shift manager or above shall return the replacement set, accompanied by the triplicate copy of the form, to the tile inventory in accordance with subsection (o). Replacement sets shall be inventoried and stored separately from any stored and new, used or complete reconstructed sets.

(3) Tiles in one or more replacement sets may be used to create a complete reconstructed set of tiles in accordance with the following procedures:

(i) The assistant table games shift manager or above shall conduct an inspection of each reconstructed set in the storage area, in the presence of a security department employee, and ensure that a replacement tile possesses the same color, texture and finish as all other tiles in the reconstructed set. The assistant table games shift manager or above shall sort the tiles by pairs and verify the needed replacement tile or tiles and visually inspect the sides, backs and edges of each tile in the reconstructed set for tampering, markings and alterations and for a comparison as to shading, texture and finish.

(ii) Once a complete set of tiles has been satisfactorily reconstructed from replacement sets, the assistant table games shift manager or above shall attach a label to an envelope or container for the reconstructed set. The label must include the date and time of reconstruction and the signature of the assistant table games shift manager or above and the security department employee who witnessed the inspection. The label must also identify the inspection steps that were followed to determine that the reconstructed set of tiles is suitable for use in gaming.

(iii) The certificate holder shall submit to the Board for approval internal control procedures for returning the reconstructed set into inventory, identifying all reconstructed sets and maintaining an accurate inventory balance of remaining replacement sets.

(o) Certificate holders shall submit to the Board for approval, internal control procedures for:

(1) An inventory system which includes records of at least the following:

- (i) The balance of sets of tiles on hand.
 - (ii) The sets of tiles removed from storage.
 - (iii) The sets of tiles returned to storage or received from a manufacturer or supplier.
 - (iv) The date of each transaction.
 - (v) The signatures of the individuals involved.
- (2) A reconciliation on a daily basis of:
- (i) The sets of tiles distributed.
 - (ii) The sets of tiles destroyed and cancelled.
 - (iii) The sets of tiles returned to the approved storage area.
 - (iv) The sets of tiles in the tile reserve in a pit stand.
- (3) A physical inventory of the sets of tiles at least once every 3 months.

(i) The inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of the sets of tiles on hand required in paragraph (1)(i).

(ii) Discrepancies shall immediately be reported to the Bureau of Gaming Operations.

(p) Destruction and cancellation of tiles other than those retained for Board inspection, shall be completed within 72 hours of collection. The method of destruction or cancellation shall be approved by the Bureau of Gaming Operations. The destruction and cancellation of tiles must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Gaming Operations.

CHAPTER 527. MINIMUM TRAINING STANDARDS

§ 527.2. Minimum proficiency requirements.

(a) A curriculum related to the conduct of table games offered by a gaming school or by a certificate holder, must, at a minimum, include:

(1) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in Subpart K (relating to table games):

<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Blackjack and other banked card games	120 hours over a 6 week period
Craps	160 hours over a 6 week period
Baccarat and Mini-Baccarat	80 hours over a 4 week period
Poker	80 hours over a 4 week period
Roulette	80 hours over a 4 week period
Pai Gow Tiles	160 hours over a 6 week period
Pai Gow Poker	80 hours over a 4 week period

(2) The proper use, control and shuffling of playing cards for authorized games that involve the use of cards.

(3) The proper use and control of dice for authorized games that involve the use of dice.

(4) The proper use and control of tiles for authorized games that involve the use of tiles.

(b) The minimum number of hours of instruction required under subsection (a) may be completed using an alternative schedule as approved by the Board's Executive Director. A certificate holder or gaming school requesting to offer an alternative schedule shall submit a

written request to the Board's Executive Director which contains a detailed description of when the training will be conducted.

CHAPTER 549. BLACKJACK

§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.

* * * * *

(c) The following must be inscribed on the Blackjack layout:

* * * * *

(10) If a certificate holder offers the Bad Beat Progressive Wager, inscriptions that advise patrons of the payout odds for the Bad Beat Progressive Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds must be posted at each Blackjack table.

* * * * *

(g) Whenever a double shoe is used at a Blackjack table, the height and marking requirements as in subsection (f) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

(h) If the certificate holder offers the optional Bad Beat Progressive Wager, the Blackjack table must have an electronic wagering system in accordance with §§ 524.2 and 524.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system) for the placement of the Bad Beat Progressive Wager and a progressive table game system in accordance with § 524.7 (relating to progressive table game systems). The electronic wagering system must include a mechanism, such as a lock-out button, that prevents the placement of any Bad Beat Progressive Wagers that a player attempts to place after the dealer has announced "no more bets." A player may not buy in for more than \$100 in electronic wagering credits to be used for the Bad Beat Progressive Wager.

§ 549.24. Bad Beat Progressive Wager; payout odds.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer players the option of placing an additional Bad Beat Progressive Wager that the player's hand will have a total value of 20 and the dealer will have a Blackjack or a hand with a total value of 21.

(b) Prior to the first card being dealt for each round of play, each player who has placed a Blackjack Wager in accordance with § 549.4 (relating to wagers) may make a Bad Beat Progressive Wager using an electronic wagering system in accordance with § 524.2 (relating to electronic wagering systems).

(c) The dealer shall then announce "no more bets" and deal the cards in accordance with the dealing procedures in § 549.7 (relating to procedure for dealing cards).

(d) Before settling the player's Blackjack Wager, the dealer shall settle the Bad Beat Progressive Wager, which shall win if the player's hand has a total value of 20, even if the dealer has a Blackjack or a total value of 21. If a player has won the Bad Beat Blackjack Wager, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Have a floorperson or above validate any Bad Beat Progressive payout with odds of 100 to 1 or greater in accordance with the certificate holder's approved internal control procedures.

(3) Credit to the player's game account for the winning Bad Beat Progressive Wager in accordance with the payout odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Player has 20—dealer has 21 with seven or more cards	100% of meter
Player has 20—dealer has 21 with six cards	1,000 for 1
Player has 20—dealer has 21 with five cards	100 for 1
Player has 20—dealer has 21 with four cards	50 for 1
Player has 20—dealer has 21 with three cards	25 for 1
Player has 20—dealer has Blackjack	10 for 1
Player has any 20	1 for 1

(4) A player who placed a Bad Beat Progressive Wager may also receive a Magic Card Bonus, if included in the certificate holder's Rules Submission required under § 521.1, if one of the player's first two cards matches the card randomly selected by the table game system. The Magic Card Bonus shall pay out at odds of 20 for 1.

(e) The rate of progression for the meter used for the Bad Beat Progressive Wager must be in the certificate holder's Rules Submission filed in accordance with § 521.2. The initial and reset amounts must also be in the certificate holder's Rules Submission and must be at least \$5,000.

(f) If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum payout amount proportionately to the amount of the player's respective Bad Beat Progressive Wager.

CHAPTER 565. THREE CARD POKER

§ 565.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) If the dealer does not hold a hand with a queen high or better rank, the Ante Wager shall automatically be paid 1 to 1 and the Play Wager shall be returned to the player.

(b) If the dealer holds a hand with a queen high or better rank, a player in competition against the dealer shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is ranked higher than the dealer's hand.

(c) If the dealer holds a hand with a queen high or better rank and a player holds a hand with a rank equal to the dealer's hand, the hand will be a tie and the player's Ante Wager and Play Wager shall be returned to the player.

(d) A player placing a Pair Plus Wager shall be paid in accordance with a posted pay table, regardless of whether the player's hand outranks the dealer's hand, which contains the odds preselected by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), which are no less than the following:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Straight flush	35 to 1	40 to 1	40 to 1
Three-of-a-kind	25 to 1	30 to 1	30 to 1
Straight	5 to 1	5 to 1	6 to 1
Flush	3 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

(e) A player placing an Ante Wager and a Play Wager shall be paid a bonus in accordance with a posted pay table on the Ante Wager, regardless of whether the player's hand outranks the dealer's hand, at the odds preselected by the certificate holder in the certificate holder's Rules Submission under § 521.2, which are no less than the following:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Straight flush	5 to 1	5 to 1	4 to 1
Three-of-a-kind	4 to 1	3 to 1	3 to 1
Straight	1 to 1	1 to 1	1 to 1
	*	*	*

[Pa.B. Doc. No. 11-1595. Filed for public inspection September 16, 2011, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 525, 549 AND 561]**

Table Game Internal Controls; Rules of Play; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 525, 549 and 561 (relating to table game internal controls; Blackjack; and Pai Gow Poker) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends the section on Match Play Coupons and adds additional options in Blackjack and Pai Gow Poker.

Explanation of Chapters 525, 549 and 561

In Chapter 525, the section on Match Play Coupons has been updated. In § 525.21(e) and (f) (relating to Match Play Coupons; physical characteristics and issuance), the inaccurate term "manufacturer" was replaced with "gaming service provider." A gaming service provider, which provides goods or services, prints Match Play Coupons on behalf of the certificate holder, not a manufacturer as defined in 4 Pa.C.S. § 1103 (relating to definitions).

Subsection (q) was added to § 525.21 to allow a certificate holder to utilize a gaming service provider to not only print but also to mail Match Play Coupons on behalf of the certificate holder, provided that the requirements of the section are met. The certificate holder, however, shall be responsible for ensuring that the gaming service provider does not mail coupons to individuals on the self-exclusion or excluded list.

A new option was added in Chapter 549 to allow certificate holders the option to deal Blackjack from the hand. Section 549.3(e) (relating to cards; number of decks; value of cards) has been updated to reflect that cards dealt from the hand shall be changed every 4 hours instead of every 24 hours. Section 549.7(1) (relating for procedure for dealing cards) was amended to allow players to touch the cards. New § 549.23 (relating to Blackjack variations) was added to detail the procedure for dealing the cards from the hand.

In Chapter 561, the player bank/co-bank option was added. This option allows players at the table to bank the game and pay all winning and collect all losing Pai Gow Poker Wagers instead of the house. This is a traditional feature of Pai Gow Poker and is an option that is currently available in Pai Gow tiles.

Affected Parties

The amendments in this temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that the amendments in this temporary rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Internal control procedures submitted by certificate holders will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private sector. The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play at table games, the certificate holder will be required to submit an updated Rules Submission reflecting the changes.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, Attention: Public Comment on Regulation #125-157, P. O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 525, 549 and 561, are amended by adding §§ 549.23 and 561.15 and by amending §§ 525.21, 549.3, 549.7, 549.11, 561.1, 561.5, 561.12, 561.13 and 561.14 to read as set forth in Annex A, with ellipses referring the existing text of the regulations.

(2) The temporary regulations are effective September 17, 2011.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: See 41 Pa.B. 4949 (September 17, 2011) for the adoption of § 549.24.)

Fiscal Note: 125-157. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 525. TABLE GAME INTERNAL CONTROLS

§ 525.21. Match Play Coupons; physical characteristics and issuance.

* * * * *

(e) Match Play Coupons received from a gaming service provider or produced by the certificate holder in accordance with subsection (p) shall be opened and examined by at least one member of the finance department and one member of the marketing department. Any deviation between the invoice accompanying the coupons and the actual coupons received shall be reported to a supervisor from the finance department and to the Bureau of Casino Compliance.

(f) After checking the Match Play Coupons received from the gaming service provider or produced by the certificate holder, a finance department supervisor shall record the following information in the Match Play Coupon ledger:

* * * * *

(p) A certificate holder may internally manufacture or print Match Play Coupons provided that internal controls governing the production and subsequent reconciliation of the coupons are submitted and approved by the Board.

(q) If included in the certificate holder's internal controls, required under § 525.2 (relating to internal controls), a certificate holder may authorize a gaming service provider to print and mail Match Play Coupons directly to patrons in accordance with the following requirements:

(1) The Match Play Coupons mailed by the gaming service provider shall comply with the requirements in subsections (b) and (c).

(2) The certificate holder shall supply the gaming service provider, through electronic means, a list of the following information for each patron to whom the Match Play Coupon will be mailed:

- (i) The patron's name.
- (ii) The patron's address.
- (iii) The denomination of the Match Play Coupon.
- (iv) The expiration date of the Match Play Coupon.
- (v) A serial number on each Match Play Coupon.

(3) The Match Play Coupon issued must include a magnetic strip or bar code that will enable the certificate holder's computer system to identify the information required under subsection (q)(2).

(4) The information in subsection (q)(2) shall be provided to the finance department which shall maintain the information for purposes of reconciliation as required under subsection (m).

(5) Prior to the redemption of the Match Play Coupon, the dealer shall verify the expiration date and confirm that the coupon has not expired.

(6) All Match Play Coupons issued must be electronically canceled in the certificate holder's computer system immediately upon redemption or during the counting of the table game drop boxes as provided in § 525.19 (relating to procedures for opening, counting and recording the contents of table game drop boxes).

(7) The certificate holder shall be responsible for ensuring that the gaming service provider does not mail Match Play Coupons to individuals on the self-exclusion list under Chapter 503a (relating to self-exclusion) or the exclusion list under Chapter 511a (relating to persons required to be excluded).

(r) A certificate holder may utilize a computerized system that complies with the requirements in this section provided that:

(1) The computerized system creates Match Play Coupons that comply with the requirements in subsection (c).

(2) The computerized system provides an equivalent audit trail and allows for the segregation of duties to satisfy the requirements in this section.

(3) The certificate holder includes in its internal controls required under § 525.2 procedures governing the production, recording and reconciliation of the computer generated Match Play Coupons.

CHAPTER 549. BLACKJACK

§ 549.3. Cards; number of decks; value of cards.

(a) Blackjack shall be played with at least one deck of cards. Except as otherwise provided in subsections (c) and (d), all decks of cards used for the play of Blackjack shall be identical in appearance. Blackjack shall also be played with at least one cutting card, approved by the Bureau of Gaming Operations.

(b) The value of the cards contained in each deck shall be as follows:

- (1) Any card from 2 to 10 shall have its face value.
- (2) Any jack, queen or king shall have a value of ten.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe shall be identical in appearance; however, the backs of the cards being dealt from one side of the shoe, shall be of a different color than the backs of the cards being dealt from the other side of the shoe. In addition, a separate cutting card shall be used in each side of the shoe.

(d) If an automated card shuffling device is utilized, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design, but the backs of the cards in one batch must be of a different color than the cards included in the other batch.

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

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(e) The decks of cards opened for use at a Blackjack table shall be changed at least once every 24 hours. When the certificate holder is dealing Blackjack from the hand in accordance with § 549.23 (relating to Blackjack variations), the cards shall be changed at least every 4 hours.

§ 549.7. Procedure for dealing cards.

* * * * *

(l) Except as provided in § 549.23 (relating to Blackjack variations), players and spectators may not handle, remove or alter any cards used to play Blackjack.

(m) Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts announced by the dealer.

§ 549.11. Double Down Wager.

(a) Except for when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original wager on the first two cards dealt to him or the first two cards of any split pair, on the condition that one and only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall only collect the amount of the original wager of the player and shall not collect the additional Double Down Wager.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up or face down, and placed sideways on the layout.

§ 549.23. Blackjack variations.

A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), deal Blackjack from the hand and allow the players to touch the cards in accordance with the following requirements:

- (1) No more than two decks of cards shall be used in the game.
- (2) An automated shuffling device shall be used to shuffle the cards.
- (3) After the procedures required under § 549.6 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the deck or decks of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.
- (4) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.
- (5) Prior to commencement of each round of play, the dealer shall remove the first card and place it in the discard rack. The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, deal the cards as follows:
 - (i) One card face down to each box on the layout in which a Blackjack Wager is contained.
 - (ii) One card face up to the dealer.
 - (iii) A second card face down to each box in which a wager is contained.
 - (iv) A second card face down to the dealer.
- (6) After two cards have been dealt face down to each player and the dealer, each player shall, with one hand, examine his cards. All players shall keep their cards in full view of the dealer at all times. Each player, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, shall then indicate whether he wishes to surrender as permitted under § 549.9 (relating to surrender), double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw additional cards. If a player:
 - (i) Indicates that he wishes to surrender, double down or split a pair, the dealer shall turn over the player's two cards and complete the dealing procedures in accordance with § 549.7 (relating to procedure for dealing cards).
 - (ii) Is dealt additional cards which cause the point total to exceed 21, the player shall immediately discard his first two cards face down.
- (7) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.
- (8) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn over the hole card and draw any additional cards in accordance with § 549.13 (relating to drawing of additional cards by players and the dealer). The dealer shall announce the dealer's total point count after each additional card is dealt.

(9) After all additional cards have been dealt, the dealer shall turn over each player's two cards and settle all remaining wagers in accordance with § 549.4 (relating to wagers).

CHAPTER 561. PAI GOW POKER

§ 561.1. Definitions.

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

Bank—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Poker Wagers.

Co-banking—When the bank and the certificate holder each cover 50% of all winning Pai Gow Poker Wagers.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Fortune Bonus Wager or Qualifying Emperor's Treasure Wager when another player at the Pai Gow Poker table is the holder of a qualifying hand.

High hand—The five-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or higher than the two-card Low hand.

Low hand—The two-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or lower than the five-card High hand.

Pai Gow Hand—A seven card hand that does not contain a pair, straight or flush.

Qualifying Emperor's Treasure Wager—An Emperor's Treasure Wager of at least \$5.

Qualifying Fortune Bonus Wager—A Fortune Bonus Wager of at least \$5.

Qualifying hand—A Pai Gow Poker hand with a rank of four-of-a-kind or higher formed from the seven cards dealt to a player.

Rank or ranking—The relative position of a card or group of cards as set forth in § 561.6 (relating to Pai Gow Poker rankings; cards; poker hands).

Set or setting the hands—The process of forming a High hand and Low hand from the seven cards dealt.

§ 561.5. Shuffle and cut of the cards.

* * * * *

(d) The cut of the cards shall be offered to players in the following order:

- (1) The first player arriving at the table, if the game is just beginning.
- (2) The player who accepts the bank under § 561.15 (relating to player bank; co-banking; selection of bank; procedures for dealing), if offered by the certificate holder provided, however, that if the bank refuses the cut, the cards shall be offered to the player to the right of the bank, and continuing around the table in a counterclockwise manner, until a player accepts the cut.
- (3) The player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

* * * * *

§ 561.12. Procedure for determining the starting position for dealing cards or delivering stacks of cards.

(a) To determine the starting position for the dealing of cards or the delivery of stacks of cards for the game of Pai

Gow Poker, a certificate holder shall use one of the procedures authorized in subsection (b), (c) or (d).

(b) If a Pai Gow Poker shaker is used:

(1) The dealer shall shake the shaker and dice described in § 561.8 (relating to Pai Gow Poker shaker and dice; computerized random number generator; button) at least three times so as to cause a random mixture of the dice. If a player is the bank, in accordance with § 561.15 (relating to player bank; co-banking; selection of bank; procedures for dealing), the player shall shake the Pai Gow Poker shaker instead of the dealer. The dealer shall ensure that the bank shakes the Pai Gow Poker shaker at least three times.

(2) The dealer shall then remove the lid covering the Pai Gow Poker shaker, total the dice and announce the total. If a player is the bank and the player inadvertently removes the lid, the Pai Gow Poker shaker shall be covered and reshaken.

(3) To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the total of the three dice. If a player is the bank, when counting the betting positions to determine the starting position, the bank, instead of the dealer, shall be considered number one.

(4) After the dealing or delivery of the cards has been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(c) The dealer may use a computerized random number generator to select and display a number from 1—7 inclusive, and verbally announce the number. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the number displayed by the random number generator. If a player is the bank, when counting the betting positions to determine the starting position for dealing the cards, the bank, instead of the dealer, shall be considered number one.

(d) If an automated card shuffling device and dealing shoe is used under § 561.11 (relating to procedures for dealing the cards from an automated dealing shoe), the dealer may use a flat button approved by the Bureau of Gaming Operations to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(e) After the starting position for a round of play has been determined, a certificate holder may mark that position by the use of an additional cut card or similar object approved by the Bureau of Gaming Operations.

§ 561.13. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.

* * * * *

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall

be turned over and the dealer shall set his hands by arranging the cards into a High and Low hand. The dealer shall then place the two hands face up on the appropriate area of the layout. If a player is acting as the bank in accordance with § 561.15 (relating to player bank; co-banking; selection of bank; procedures for dealing), after all players have set their hands and placed the cards on the table, the bank shall turn over his seven cards and set the two hands by arranging the cards in a high and low hand on the appropriate area of the layout.

* * * * *

§ 561.14. Irregularities; invalid roll of dice.

* * * * *

(i) If the dealer or the bank, if applicable, does not set his hands in the manner submitted to the Bureau of Gaming Operations under § 521.2 (relating to table games Rules Submissions), the hands shall be reset in accordance with the Rules Submission and the round of play completed.

* * * * *

§ 561.15. Player bank; co-banking; selection of bank; procedures for dealing.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow Poker table the opportunity to bank the game. If the certificate holder elects this option, this section controls for any round of play in which a player is the bank. All other provisions of this chapter apply to the extent that they do not conflict with this section.

(b) A player may not be the bank at the start of the game. For the purposes of this section, “start of the game” means the first round of play after the dealer is required to shuffle the cards in accordance with § 561.5 (relating to shuffle and cut of the cards).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall offer the bank to each player, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise manner, until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of the bank shall be offered the bank first on the next round of play. A player may not bank two consecutive rounds of play. If no player accepts the bank, the round of play shall proceed in accordance with the rules of play in this chapter.

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a Pai Gow Poker Wager against the dealer during the last round of play in which a player was not banking the game.

(2) The player has sufficient value chips or plaques on the table to cover all of the Pai Gow Poker Wagers placed by other players at the table for that round of play.

(e) A certificate holder may, if specified in its Rules Submission under § 521.2, offer the bank the option of co-banking the round of play. If the certificate holder offers this option, it shall be made available to all players at the table. If the bank wishes to use this option and co-bank 50% of the winning Pai Gow Poker Wagers, the bank shall specifically request to co-bank with the dealer. The dealer shall place a marker designating the player

co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner as specified in the certificate holder's Rules Submission under § 521.2. When co-banking is in effect, the dealer may not place a wager against the bank.

(f) If a player is the bank, the player may wager on only one betting area.

(g) Once the dealer has determined that a player may be the bank, as required under subsection (d), the dealer shall shuffle the cards in accordance with § 561.5. The dealer shall then, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker's last Pai Gow Poker Wager made against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container.

(h) The dealer shall then deal the cards in accordance with § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(i) If the dealer placed a wager against the bank, after each player has set his two hands and placed them on the table layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand and placed the hands face up on the appropriate area of the table layout, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the bank did not set his hands correctly, the dealer shall reset the bank's hands in accordance with the certificate holder's Rules Submission under § 521.2. If the dealer wins, the cards of the dealer shall be stacked face up to the right of the table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer ties, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(j) If a player is banking the round of play, once the dealer has determined the outcome of the Pai Gow Poker Wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and shall announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers, including the dealer's wager, shall be paid by the dealer with the value

chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 561.13(m) (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(k) Immediately after a winning Pai Gow Poker Wager of the dealer is paid, this amount and the dealer's original wager shall be returned to the table inventory container.

(l) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank's hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to 1/2 of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 561.13(m), on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the bank.

(m) Each player who has a winning Pai Gow Poker Wager against the bank shall pay to the dealer, in accordance with § 561.13(m), a 5% vigorish on the amount won.

(n) If the certificate holder offers an optional wager authorized under § 561.13a, § 561.13b, § 561.13c or § 561.13d, the dealer, not the bank, shall pay all winning optional wagers.

[Pa.B. Doc. No. 11-1596. Filed for public inspection September 16, 2011, 9:00 a.m.]

PROPOSED RULEMAKINGS

STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

Licensure by Reciprocity

The State Board of Chiropractic (Board) proposes to amend § 5.13 (relating to licensure by reciprocity) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

This proposed rulemaking is authorized under sections 302(3) and 504 of the Chiropractic Practice Act (act) (63 P. S. §§ 625.302(3) and 625.504).

Background and Need for the Amendment

Section 504 of the act authorizes the Board to grant a license without further examination to an individual from another state or a province of Canada if: (1) the standards for licensing in that jurisdiction are substantially the same as those provided in the act; (2) that jurisdiction accords similar privileges to persons licensed in this Commonwealth; (3) the applicant holds a valid license in that jurisdiction; and (4) the applicant complies with applicable regulations of the Board. Under section 501(a) of the act (63 P. S. § 625.501(a)), the standards for licensure in this Commonwealth include graduation from an approved chiropractic school and passing the required licensure examinations, which as specified in § 5.12(a)(2) (relating to licensure by examination) are parts I, II, III and IV of the National Board Examination (NBE). Section 5.13(a) currently requires an applicant for licensure by reciprocity to have graduated from chiropractic school, passed clinical and written examinations acceptable to the Board, passed parts I and II of the NBE or another written licensure examination acceptable to the Board and hold a current and valid unrestricted license to practice chiropractic in another jurisdiction that meets the standard in section 504 of the act. Additionally, § 5.13(c) requires that the applicant "is currently engaged in active practice and has been so continually for at least 1 year immediately preceding the date of the application, in the [jurisdiction] of the license on the basis of which the applicant is seeking a license in this Commonwealth by reciprocity."

The standards for licensure have changed over time. For example, prior to 1992 the Board did not require an applicant to have passed part III of the NBE and before 1997 the Board did not require part IV of the NBE. Other states have similarly revised their standards for licensure. Section 504 of the act does not make clear whether the standards for licensure to be compared should be the current standards or those at the time the applicant was first licensed to practice chiropractic. The Board has received applications for licensure by reciprocity from out-of-State chiropractors who met the Pennsylvania standards at the time of graduation from chiropractic school and licensure in the other jurisdiction, but not the current standard. If the current standards are compared and the other state has not similarly added to its requirements, the applicant would not qualify. But if

the other state has similarly added to its requirements, the applicant would qualify for licensure in this Commonwealth. It does not seem appropriate to base the determination of whether an applicant is qualified for licensure upon changes in legal standards subsequent to that applicant demonstrating qualification for licensure to practice chiropractic that would have met the Pennsylvania standards at that time. Additionally, had the applicant chosen to apply for licensure in this Commonwealth in addition to or rather than the other jurisdiction at the time of first licensure, the applicant who then met the Pennsylvania standards would have become licensed and would still be permitted to practice in this Commonwealth despite the subsequent change in Pennsylvania standards. A system that bases the determination upon comparison of current standards may shut out an applicant who holds qualifications identical to those of Pennsylvania licensees who became licensed here first and are permitted to continue practicing.

Accordingly, the Board proposes to amend the regulation concerning licensure by reciprocity to base the determination upon the standards for licensure at the time of graduation from chiropractic school and first licensure, rather than the current standards.

Moreover, for ease of understanding and application of the regulation, the Board proposes to express those standards in terms of the applicant's qualifications, rather than directly comparing the jurisdiction's standards each time. While the Board can determine what its standards for licensure have been historically, it is difficult for the Board to determine the standards for licensure in another jurisdiction, especially with the moving target of standards at a particular time. Although the Board could put the burden on the applicant to demonstrate what the standards of licensure were at the time of licensure in another jurisdiction, it is doubtful that nonlawyer applicants in an administrative proceeding would be competent to meet that burden. The concept behind licensure by reciprocity is that because the applicant has already demonstrated that the applicant met standards that were substantially equal to the Pennsylvania standards, the applicant by definition had to have also met the standards for licensure in this Commonwealth. To take that another step further, if the applicant who met the Pennsylvania standards became licensed by examination in the other jurisdiction, the Board infers that the other jurisdiction's standards were substantially similar to the then-existing Pennsylvania standards. Expressing the requirements for licensure by reciprocity in terms of the applicant's qualifications in light of the historic Pennsylvania standards would make the process much simpler and straightforward and would put potential applicants on notice of what qualifications shall be demonstrated for licensure.

Description of the Proposed Amendments

The proposed rulemaking would first address the examinations required in § 5.13(a). Because the first two parts of the NBE have been the standard since 1968, § 5.13(a)(2) would be revised to make clear that alternative "clinical and written examinations acceptable to the Board" are required for those who graduated before 1968 and cannot rely on the NBE. Section 5.13(a)(3) would be revised to require successful completion of the NBE. Proposed § 5.13(a)(3)(i) would require parts I and II of the NBE for applicants who graduated after January 1, 1968. The Board first required successful completion of

part III of the NBE effective December 28, 1991. See 21 Pa.B. 5944 (December 28, 1991). Accordingly, proposed § 5.13(a)(3)(ii) would also require part III of the NBE for applicants who graduated or were first licensed after December 27, 1991. The Board first required successful completion of part IV of the NBE effective May 24, 1997. See 27 Pa.B. 2540 (May 24, 1997). Accordingly, proposed § 5.13(a)(3)(iii) would also require part IV of the NBE for applicants who graduated or were first licensed after May 23, 1997.

Currently, § 5.13(a)(4) requires the applicant to have “a current and valid unrestricted license to practice chiropractic in another state . . . whose standards for licensure are substantially equivalent to those required by the act and [Board regulations] for licensure and which accepts Pennsylvania licensees for licensure by reciprocity.” Because licensure by reciprocity is to avoid the need for additional examinations and relies upon the standards for licensure in the jurisdiction that licensed the applicant by examination, the proposed rulemaking would amend § 5.13(a)(4) to require that the license in the other jurisdiction have been obtained by examination. Because section 504 of the act requires only that the license in the other state be valid and not that it be “current and valid” and because an applicant for licensure by reciprocity may very well have also been practicing under a license by reciprocity in another jurisdiction subsequent to initial licensure, the proposed rulemaking would also delete from § 5.13(a)(4) the requirement that the license in the other jurisdiction be current. This does not eliminate the requirement that the license be valid, meaning that it is not suspended, revoked or otherwise restricted. Additionally, the phrase “which accepts Pennsylvania licensees for licensure by reciprocity” is intended to convey the requirement in section 504(2) of the act that “similar privileges [for licensure by reciprocity] are accorded persons licensed in this Commonwealth.” Because this phrase is not well understood and by itself does not convey the standards by which to do so, the Board proposes to replace it with the following: “which licenses by reciprocity chiropractors licensed in another jurisdiction whose standards for licensure are substantially equivalent to those required in that jurisdiction.”

Proposed § 5.13(a)(5) would include a minimum practice requirement. Current § 5.13(c) requires the applicant to submit an affidavit that the applicant “is currently engaged in active practice and has been so continually for at least 1 year immediately preceding the date of the application, in the [jurisdiction] of the license on the basis of which the applicant is seeking a license in this Commonwealth by reciprocity.” This provision was intended to assure some minimum level of experience, as well as to deter an applicant from too quickly fleeing one jurisdiction for another in a way that might avoid detection of professional misconduct. However, because it is reasonable for a practitioner to leave the jurisdiction of initial licensure, there is no reason to require that the applicant be actively practicing in that original jurisdiction as of the date of application here and for at least 1 year beforehand. Instead, proposed § 5.13(a)(5) would require only that the applicant has actively practiced in that jurisdiction for at least 12 months. Because a practitioner moving to a new jurisdiction may legitimately temporarily cease practicing, proposed § 5.13(a)(5) would require only that the applicant actively practice at least 20 months during the 24 months immediately preceding the date of application. Finally, because reciprocity in all practicality is for those practitioners who have been actively practicing, rather than newer gradu-

ates, proposed § 5.13(a)(5) would require that the applicant have been in active practice for at least 3 years. Current § 5.13(c) would be revised simply to provide that the applicant’s verified statement of active clinical practice of chiropractic is adequate evidence of that practice in meeting this requirement for licensure by reciprocity.

Applicants for licensure by examination are required under § 5.15(a)(2) (relating to licensure examinations) to complete the Pennsylvania Chiropractic Law Examination. Because this examination is not part of the NBE, proposed § 5.13(a)(6) would require an applicant for licensure by reciprocity to successfully complete the Pennsylvania Chiropractic Law Examination.

Current § 5.13(b) requires an applicant to complete an application “detailing the applicant’s education and experience” and submit that application “at least 30 days prior to the next Board meeting.” Because licensure by reciprocity also depends upon the applicant’s examination and licensure in other jurisdictions, this subsection would be amended to require “the applicant’s education, examinations, licensure and experience.” Additionally, because the Board staff reviews applications independent of Board meetings, there is no reason to impose the time restriction; therefore, the Board proposes to delete this clause.

Finally, current § 5.13(e) provides that the Board may require an interview with the applicant. Because the Board will review the application upon objective criteria and a provisional denial of the application entitles the applicant to appeal and request a hearing, this section is unnecessary. In its place, however, it is appropriate for the Board to explicitly note that an applicant for licensure by reciprocity, who by definition has been able to practice chiropractic in another jurisdiction, may be denied upon the grounds provided in section 506(a) of the act (63 P. S. § 625.506(a)), which provides that the Board may refuse to issue a license for any of a variety of enumerated reasons, including practice based reasons.

Fiscal Impact and Paperwork Requirements

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

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, st-chiro@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4320 (licensure by reciprocity) when submitting comments.

JOSEPH T. GRICE, DC,
Chairperson

Fiscal Note: 16A-4320. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS

§ 5.13. Licensure by reciprocity.

(a) An applicant for licensure by reciprocity shall present evidence of the following:

* * * * *

(2) A passing score on clinical and written examinations acceptable to the Board, **if the applicant graduated from chiropractic college prior to January 1, 1968.**

(3) Passing scores on [**Parts I and II**] the following parts of the National Board Examination [**in the basic and clinical sciences or a passing score on a written licensure examination acceptable to the Board.**]:

(i) **Parts I and II if the applicant graduated from chiropractic college after January 1, 1968.**

(ii) **Part III if the applicant graduated from chiropractic college after December 27, 1991, or was first licensed to practice chiropractic after December 27, 1991.**

(iii) **Part IV if the applicant graduated from chiropractic college after May 23, 1997, or was first licensed to practice chiropractic after May 23, 1997.**

(4) [**A current and valid**] An unrestricted license to practice chiropractic **obtained by examination** in another state or territory of the United States or a province of Canada whose standards for licensure **by examination** are substantially equivalent to those required [**by**] under the act and this chapter for licensure and which [**accepts Pennsylvania licensees for licensure by reciprocity**] licenses by reciprocity chiropractors licensed in another jurisdiction whose standards for licensure are substantially equivalent to those required in that jurisdiction.

(5) **Having engaged in the active clinical practice of chiropractic under a license in another state or territory of the United States or a province of Canada for at least 3 years, including at least 20 months of the 2 years immediately preceding the date of application, and including at least 12**

months in the jurisdiction that issued the license described in paragraph (4).

(6) A passing score on the Pennsylvania Chiropractic Law Examination.

(b) The applicant shall complete an application obtained from the Board detailing the applicant's education, **examinations, licensure** and experience, and certifying that the applicant has met the requirements for licensure under the act and this chapter, and return the application and appropriate documentation to the Board with the required fee [**at least 30 days prior to the next Board meeting**].

(c) [**In addition to satisfying the educational and professional requirements listed in subsection (a), the licensee shall execute an affidavit certifying that the applicant is currently engaged in active practice and has been so continually for at least 1 year immediately preceding the date of the application, in the state, territory or province of the license on the basis of which the applicant is seeking a license in this Commonwealth by reciprocity.**] An applicant's verification that the applicant has engaged in the practice of chiropractic as required under subsection (a)(5) will satisfy the requirement that the applicant present evidence of experience.

* * * * *

(e) The Board may [**require that a personal interview be conducted with an applicant for licensure without restriction by reciprocity to ascertain the applicant's ability to practice with reasonable skill and safety to patients and the applicant's knowledge of the requirements of the act and this chapter and other pertinent health laws of the Commonwealth**] deny an application for licensure by reciprocity as provided in section 506(a) of the act (63 P. S. § 625.506(a)).

[Pa.B. Doc. No. 11-1597. Filed for public inspection September 16, 2011, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Expanded Function Dental Assistant Scope of Practice and Continuing Education

The State Board of Dentistry (Board) proposes to amend §§ 33.205a and 33.402 (relating to practice as an expanded function dental assistant; and continuing education subject areas) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The proposed rulemaking is authorized by section 4 of the act of April 29, 2010 (P. L. 176, No. 19) (Act 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010), and section 3(d.1), (j) and (o) of The Dental Law (act) (63

P. S. § 122(d.1), (j) and (o)), which authorizes the Board to regulate expanded function dental assistants and continuing education and to promulgate regulations as may be deemed necessary and proper by the Board to carry into effect the powers conferred by the act.

Background and Purpose

Act 19 amended the act to expand the scope of practice of expanded function dental assistants to include performing coronal polishing, performing fluoride treatments and taking impressions of teeth for limited purposes. This proposed rulemaking would amend § 33.205a to conform to the amendments made by Act 19. Additionally, the Board is concerned that many existing expanded function dental assistants may have not had training in the area of coronal polishing. Therefore, the Board proposes to require expanded function dental assistants, with the exception of those who are also licensed dental hygienists, to complete 3 hours of continuing dental education in the area of coronal polishing during the next biennial renewal cycle.

Description of Proposed Amendments

The Board proposes to amend § 33.205a to include coronal polishing, fluoride treatments and taking impressions within the scope of practice of expanded function dental assistants that are certified by the Board. The Board also proposes to amend § 33.402 to require expanded function dental assistants certified by the Board to complete 3 hours of continuing dental education in the area of coronal polishing during the next renewal cycle. Existing expanded function dental assistants will be required to comply by completing the 3 hours in coronal polishing during the April 1, 2011, to March 31, 2013, renewal period. Because they are exempt from continuing education during the biennial renewal cycle in which they pass the certification exam and are initially certified, newly certified expanded function dental assistants will be required to complete the 3 hours in coronal polishing during the first renewal cycle after initial certification. This 3-hour requirement may not be met by online or distance education but shall be completed by physical attendance at a clinical training program provided by an approved continuing education program sponsor. The Board also proposes to provide an exception to this requirement for licensed dental hygienists who also hold certification as expanded function dental assistants.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have fiscal impact on the Commonwealth or its political subdivisions or on the regulated community.

The proposed rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking.

PHILIP T. SIEGEL, D.D.S.,
Chairperson

Fiscal Note: 16A-4624. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.205a. Practice as an expanded function dental assistant.

(a) *Scope of professional practice.*

(1) An expanded function dental assistant may offer to perform or perform the following services:

* * * * *

(vii) Placing and finishing composite resin restorations [**and/or**] or sealant material, or both.

(viii) **Performing coronal polishing.**

(ix) **Performing fluoride treatments, including fluoride varnish.**

(x) **Taking impressions of teeth for study models, diagnostic casts or athletic appliances.**

* * * * *

(b) *Prohibitions.* An expanded function dental assistant may not **perform the following procedures:**

(1) [**Examine, diagnose or plan treatment**] **Complete or limited examination, diagnosis and treatment planning.**

(2) [**Cut**] **Surgical or cutting procedures of hard or soft tissue.**

(3) [**Prescribe**] **Prescribing drugs, medicaments or [lab] work authorizations.**

(4) [**Approve the final occlusion**] **Final inspection and approval of restorative and other treatment which affects occlusion and necessary occlusal adjustments.**

(5) [**Perform pulp**] **Pulp** capping, pulpotomy and other endodontic procedures.

(6) [**Perform final placement/cementation**] **Placement and intraoral adjustments** of fixed and removable prosthetic appliances.

(7) [**Administer**] **Administration** of local anesthesia, parenteral or inhalational sedation, nitrous oxide analgesia or general anesthesia.

(8) Take impressions other than for study models [**or**], diagnostic casts **or athletic appliances**.

(c) *Supervision.* Expanded function dental assistants shall perform under the direct supervision of a dentist. Direct supervision means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant, and, before dismissal of the patient, **personally** evaluates the work performed by the expanded function dental assistant.

Subchapter F. CONTINUING DENTAL EDUCATION
§ 33.402. Continuing education subject areas.

* * * * *

(g) **Expanded function dental assistants shall comply with the following:**

(1) **An expanded function dental assistant certified by the Board by March 31, 2011, shall complete 3 of the 10 required hours of continuing education during the biennial renewal period of April 1, 2011, to March 31, 2013, in the area of coronal polishing.**

(2) **An expanded function dental assistant certified by the Board after March 31, 2011, shall complete 3 of the 10 required hours of continuing education during the first complete biennial renewal cycle after initial certification in the area of coronal polishing.**

(3) **The requirements in this subsection may not be met through online or distance education. The requirements in this subsection shall be completed by physical attendance at a clinical training course offered by an approved program sponsor.**

(4) **The requirements in this subsection do not apply to licensed dental hygienists who also hold certification as expanded function dental assistants.**

[Pa.B. Doc. No. 11-1598. Filed for public inspection September 16, 2011, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

Act 38 of 2008 Amendments

The State Board of Physical Therapy (Board) proposes to amend §§ 40.1, 40.5, 40.11, 40.12, 40.14, 40.17, 40.53, 40.61, 40.63, 40.152, 40.161—40.164, 40.171, 40.181 and 40.191, delete § 40.62 and add §§ 40.19, 40.20, 40.67—40.69, 40.165, 40.166, 40.173, 40.192 and 40.193 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The amendments are authorized under section 3(a) of the Physical Therapy Practice Act (act) (63 P. S. § 1303(a)).

Background and Need for the Amendment

The act of July 4, 2008 (P.L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for physical therapists and physical therapist assistants, professional liability insurance for physical therapists, physician referral and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. The extensive nature and breadth of these amendments requires that the Board amend its regulations to implement Act 38.

Description of the Proposed Amendments

Qualifications for licensure as physical therapist

Current § 40.11 (relating to educational requirements for licensure by examination) requires an applicant to have graduated from a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE). Act 38 amended section 6(a) of the act (63 P. S. § 1306(a)) to provide that an applicant for licensure who completed the professional study of physical therapy after 2002 shall hold a minimum of a master's degree from a regionally accredited institution of higher education. Accordingly, the Board proposes to add subsection (b) to § 40.11 to require a master's degree. Additionally, the Board proposes including in proposed § 40.11(b) similar requirements for those completing professional study prior to 2002 using the standards that arise from required CAPTE accreditation: an applicant completing the professional study of physical therapy between January 1967 and December 2002 shall hold a minimum of a bachelor's degree in physical therapy from a regionally accredited institution of higher education or the combination of a bachelor's degree from a regionally accredited institution of higher education and a post-baccalaureate certificate in physical therapy. Additionally, the Board proposes moving the contents of existing § 40.11 into proposed § 40.11(a) and revising that subsection to allow that there might be National accrediting bodies other than the CAPTE and excluding foreign-educated physical therapists from this requirement, as foreign-educated applicants are specifically addressed in § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience). Because this section is specific to educational requirements, the Board also proposes revising the heading to reflect that these are the educational requirements for licensure by examination.

Section 40.12(a) (relating to application for licensure) includes the requirements for licensure, referring to § 40.11. However, § 40.12 does not explicitly include the requirement to apply for licensure and pay the necessary fee. The Board proposes to add subsection (b) to require application on board forms and subsection (c) to require payment of the fee specified in § 40.5 (relating to fees).

Act 38 amended section 6(c) of the act to reduce from 6 months to 60 days the time after failing the licensure examination that an applicant shall wait to retake the exam and reducing from 2 years to 1 year the time in

which an applicant may retake the exam. Accordingly, the Board proposes to amend § 40.14(a) (relating to examination; failure; reexamination) to reflect these time periods. Additionally, Act 38 amended section 6(c) of the act to provide that an applicant may take the licensure examination no more than three times in a consecutive 12-month period. The Board proposes to add § 40.14(d) to incorporate this limitation.

Section 6(f) of the act previously authorized the Board to license foreign-trained physical therapists of appropriate age, good moral character, without addiction, who have completed educational requirements substantially equal to those of the act, passed the licensure examination and, in the Board's discretion, have completed a supervised clinical program of up to 1 year. Act 38 amended this section to delete the provisions except the discretionary clinical experience. In place of those deleted provisions, Act 38 added section 6(i) of the act to require that a foreign-educated applicant applies and pays the appropriate fee, the applicant holds an unrestricted license in the country where the applicant was educated, the applicant's education is substantially equivalent to the education generally required for licensure (either similarly accredited or based upon a credentials evaluation the recognized program preparing applicants to practice physical therapy is found to be equivalent with or without additional education) and the applicant passes the licensure examination. To implement these changes, the Board proposes to amend § 40.17 as follows: amend paragraph (1) to require the applicant to apply and pay the fee; amend paragraph (2) to require the applicant to provide documentation that the applicant has graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy (in addition to the existing requirement that the school is recognized by the authorizing agency of that jurisdiction); delete paragraph (3), which required the applicant to provide documentation that the applicant was authorized to practice physical therapy without limitation in that country; and amend paragraph (5) to require satisfactory evidence by means of credentials evaluation that the applicant's education is substantially equivalent to the education of physical therapists in accredited programs in this country. Because the CAPTE accreditation standards have changed, the Board also proposes amending § 40.17(5) to specify that if the applicant completed the program before 1998, the applicant shall have completed the currently-specified at least 120 semester hours with at least 42 credit hours in general education subjects and at least 69 credit hours in professional education subjects; if completed in 1998 or later, the applicant shall have at least 150 semester hours with at least 60 credit hours in general education and at least 90 credit hours in professional education subjects. The Board also proposes to amend paragraph (7) to provide that the clinical experience is always required, but is intended to correct a deficiency in the foreign-trained applicant's clinical education or experience. In addition, due to the deletion of paragraph (3), subsequent paragraphs would be renumbered.

Renewal of license or certification

In considering the required qualifications for licensure, as well as the impact of required continuing education and professional liability insurance, it became apparent that the Board's regulations do not currently address license renewal or reactivation. Accordingly, the Board proposes to add §§ 40.19 and 40.20 (relating to renewal of physical therapist license; and inactive status of physical therapist license). Proposed § 40.19(a) would acknowl-

edge the current practice that each license expires on December 31 of each even-numbered year. Proposed § 40.19(b) would set forth the standard provision that the licensee shall notify the Board of a change in address and that, because the Board will send notices to the last address provided by a licensee, the licensee's obligation to renew the license is not avoided by the Board's failure to send renewal forms or the licensee's failure to receive them. Proposed § 40.19(c) would set forth the following requirements for renewal: the licensee shall apply for renewal and pay the renewal fee, disclose any license to practice elsewhere, disclose any disciplinary actions or pending charges in another jurisdiction, disclose any criminal convictions or pending criminal charges, verify that the licensee has complied with the continuing education requirements and verify that if practicing in this Commonwealth the licensee carries the required professional liability coverage. Proposed § 40.20(a) would provide that a license will become inactive upon either the licensee's request or the licensee's failure to renew. Under proposed § 40.20(b), a licensee whose license is inactive may not practice as a physical therapist in this Commonwealth until the license is reactivated. A licensee seeking to reactivate a license shall apply on Board forms and provide documentation of continuing education, pay the current renewal and reactivation fees and verify that the licensee did not practice in this Commonwealth while the license was inactive as set forth in proposed § 40.20(c). Proposed § 40.20(d) would require a licensee who practiced while inactive or otherwise cannot make the verification of nonpractice to pay the renewal fee for periods in which the licensee practiced and a late fee of \$5 per month, as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225). Finally, to better assure continued competence to practice, proposed § 40.20(e) would provide that to reactivate a license that has been inactive for more than 5 years the licensee shall either successfully complete the licensure examination or qualify for licensure by endorsement having practiced for at least the last 5 years in another jurisdiction.

Section 40.191 (relating to renewal of certification) addresses renewal by a physical therapist assistant. Similar to proposed § 40.19(c), the Board proposes to amend § 40.191(c) to require a physical therapist assistant applying for renewal of the certificate to complete the application and pay the required fee, disclose any license to provide services as a physical therapist assistant in another jurisdiction, disclose any disciplinary actions or pending charges, disclose any criminal convictions or pending criminal charges and verify that the certificateholder has complied with the continuing education requirements. The Board also proposes to amend § 40.191(g) to address reactivation similar to § 40.20(c) by requiring a physical therapist assistant seeking to reactivate a certificate to apply on Board forms and provide documentation of continuing education, pay the current renewal and reactivation fees and verify that the certificateholder did not provide services as a physical therapist assistant in this Commonwealth while the certificate was inactive. Similar to proposed § 40.20(d), proposed § 40.191(h) would require a certificateholder who provided services while inactive or otherwise cannot make the verification of nonpractice to pay the renewal fee for all periods in which the certificateholder provided services and a late fee of \$5 per month as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act. Similar to proposed § 40.20(b), the Board proposes to amend § 40.191(j) to provide that a certified physical therapist assistant may not provide

services while the certificate is inactive, doing so will subject the physical therapist assistant to disciplinary action.

Physician referral

In general, a physical therapist may provide physical therapy services upon referral of a physician or of a dentist or podiatrist within the scope of those professions. Act 38 amended section 9(a) of the act (63 P. S. § 1309(a)) to expand the list of those who may refer a patient for physical therapy to include a certified registered nurse practitioner and a physician assistant. Accordingly, the Board proposes to amend § 40.61 (relating to certificate of authorization to practice physical therapy without a referral) to include these additional practitioners.

Under the act prior to Act 38, only those physical therapists holding a certificate of authorization to practice without a physician referral were required to maintain professional liability insurance. As discussed as follows, physical therapists are now required to maintain professional liability insurance. Accordingly, the Board proposes to delete now-superfluous § 40.62 (relating to professional liability insurance).

Prior section 9(c) of the act required direct access certificateholders to complete at least 20 hours of continuing physical therapy education, including at least 10 hours in appropriate evaluative procedures to treat an individual without referral, for each renewal of the certificate of authorization to treat without a referral. Act 38 increased this requirement to 30 hours and prohibited education in office management or practice building. The Board proposes amending existing § 40.63(b) (relating to continuing education for direct access certificateholder) to include this increased requirement.

Under the act prior to Act 38, only those physical therapists holding a certificate of authorization to practice without a physician referral were required to complete continuing education. As discussed as follows, physical therapists are now required to complete continuing education. Accordingly, the Board also proposes adding § 40.63(i) to provide that hours of continuing education applied to satisfy the obligation for direct access certificateholders may also be applied to satisfy the general continuing education requirement for all physical therapists.

Professional liability insurance for physical therapists

Act 38 added section 9(b)(4)(iii.1) of the act to require a licensee practicing in this Commonwealth to maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made with coverage provided through self-insurance, personally purchased liability insurance or professional liability insurance provided through the physical therapist's employer or similar group. Accordingly, the Board proposes to add § 40.69 (relating to professional liability insurance) and repeat those requirements in subsection (a). In accordance with section 9(b)(4)(iii.2) of the act, proposed § 40.69(b) would allow that, although proof is generally a certificate of insurance or a copy of the declarations page of a policy, an applicant could submit a letter from an insurance carrier indicating that it will provide coverage upon issuance of a license; in accordance with section 9(b)(4)(iii.3) of the act, proposed § 40.69(b) would also provide that a license would become inactive if proof is not provided within 30 days. Because carrying liability insurance is a condition of practice rather than of licensure, the Board proposes to include § 40.69(c) to make clear that a licensee who fails to maintain coverage while practicing is subject to disciplinary action.

Continuing education for physical therapists and physical therapist assistants

Act 38 added section 7.2 of the act (63 P. S. § 1307.2) to require physical therapists to complete at least 30 hours of continuing physical therapy education during each 2-year renewal period. The Board proposes adding §§ 40.67 and 40.68 (relating to continuing education for licensed physical therapist; and continuing competence for licensed physical therapist) to implement this new continuing education requirement.

Proposed § 40.67(a) would set forth the general requirement that, unless waived by the Board for good cause, a licensee complete at least 30 contact hours of continuing physical therapy education during each renewal period, credits may not be carried over and credits may be applied only during the period in which they were earned, except to reactivate a license or ordered by the Board in a disciplinary action. A "contact hour" would be defined in § 40.1 (relating to definitions) as 60 minutes of participation and a semester credit would be equal to 15 contact hours. Failure to complete continuing education subjects the licensee to disciplinary action. Under proposed § 40.67(b), completion would be shown by a certificate of completion issued by the provider with the licensee's name, the provider's name, date of the course, name of the course, any Board-issued approval number and the number of contact hours. The licensee shall retain proof for 5 years and the Board will audit licensees to verify compliance. As provided in proposed § 40.67(c), credit would be permitted only in courses from pre-approved or approved providers, in an appropriate subject matter (not including office management or practice building), no more than once in a renewal period for substantially the same course, but a licensee who teaches may receive attendance credit and additional credit for preparation up to the amount of credit a licensee could earn simply for attending.

Proposed § 40.67(d) would address approval of continuing education courses. Consistent with regulations the Board has separately promulgated for direct access physical therapists, proposed § 40.67(d)(1) would recognize as preapproved providers the American Physical Therapy Association (APTA), the Federation of State Boards of Physical Therapy (FSBPT), physical therapy programs accredited by the CAPTE and any other provider who applies and is approved by the Board, subject to termination for cause. So long as the course is in appropriate subject matter and otherwise complies, additional approval is not necessary for these providers. Under proposed § 40.67(d)(2), any other provider may apply for course approval by submitting the application at least 60 days in advance on the Board form with all documentation and the required fee. (This is the current practice for providers of continuing education for direct access physical therapists.) The application could cover a single course or a coordinated course of study, though material changes would have to be approved by the Board. The Board may disapprove courses that do not meet the standards and may terminate approval when false or misleading statements were made on the application or it is later discovered that grounds exist to disapprove the course. The Board will maintain a list of courses it has approved and make that list accessible to the public. To accommodate those licensees who might take continuing education through a course that, due to factors such as location or small market, the provider has not separately sought approval, the Board will permit a licensee who plans to attend the course to seek approval. Proposed § 40.67(d)(3) would set forth the provider's responsibility

ties: disclosing in advance to prospective attendees the objectives, content, teaching method and number of hours of continuing education; providing physical facilities adequate for the number of anticipated attendees; providing accurate instructional materials; utilizing qualified instructors who are knowledgeable in the subject matter; evaluating the program through the use of questionnaires of participants and instructors; issuing a certificate of completion to each participant; and retaining attendance records, written outlines and a summary of evaluations for 5 years.

Because sitting in lecture courses and other traditional methods to obtain information are not the only viable methods of assuring that licensees remain competent to practice, the Board is proposing to include what is often referred to as continuing competence in the array of methods for licensees to satisfy the continuing education requirement. This model is based upon the model currently being pursued by the FSBPT. Proposed § 40.67(e) would provide that, because continuing education is a structured process of education beyond professional entry-level education that is applicable to the practice of physical therapy and is designed or intended to support the continuous development of physical therapists and to maintain and enhance their professional competence, a licensed physical therapist may earn up to 15 hours of required continuing education in each period through continuing competence activities that do not otherwise qualify under the requirements if the activity is approved by the Board. In applying the continuing competence provisions, proposed § 40.68(a) would guide the Board by the following principles: continuing competence should be self-directed by the physical therapist; evaluation or assessment of current competence is critical for the physical therapist and the results of an evaluation or assessment should be used by the physical therapist to then select appropriate development activities; and physical therapists should have a wide variety of activities available to demonstrate their competence, rather than any single "right way." To obtain credit for continued competence activities, proposed § 40.68(b) would require the licensee to apply on Board forms and fully document the activity, including professional certification as appropriate. In determining whether to approve an activity, proposed § 40.68(b) would guide the Board by the following standards: content within the continuing competence activity must be relevant to the physical therapy profession and the designated audience; the continuing competence activity must foster the participant's learning and professional engagement through reflection, interaction, participation and contribution; the continuing competence activity must incorporate, reflect and promote the use of evidence-based practice (patient values, available evidence and clinician experience) or be based on current regulations; qualified individuals with appropriate subject matter expertise and credentials shall develop and, when applicable, conduct the continuing competence activity; the continuing competence activity must include behavioral objectives that encompass the content of the activity and promote a high level of learning in one or more of the cognitive, psychomotor and affective domains; the design of the activity must support the achievement of the objectives; each continuing competence activity must include objective methods to assess the participant's attainment of the specified activity outcomes; there must be mechanisms in place for ongoing review and evaluation of the quality and the effectiveness of the continuing competence activity and the activity shall be modified based on information gained from review and evaluation; the continuing competence provider shall furnish clear, complete

information to potential learners about continuing competence activities regarding administrative details, activity specifics and content, biography of the activity deliverer/presenter and participant requirements; and the continuing competence provider shall have established processes for developing, administering and documenting the continuing competence activity.

Proposed § 40.68(c) would establish the standards for amounts of continuing education credit that could be awarded for continuing competence activities. A licensee who completes a fellowship conferred by an organization credentialed by the APTA in a specialty area of physical therapy practice would earn 10 hours for each full 12-month period of fellowship to be credited in the renewal cycle of completion of the fellowship. A licensee who completes a residency program in physical therapy offered by an APTA credentialed organization would earn 10 contact hours for each full 12-month period of clinical participation, to be credited in the renewal cycle of completion of the residency program. A licensee who completes specialty certification or specialty recertification by the American Board of Physical Therapy Specialization or its successor organization would receive 15 contact hours upon receipt of certification or recertification to be credited in the renewal cycle of certification or recertification. A licensee who takes the practice review tool of the FSBPT would receive 5 contact hours and a licensee who passes the practice review tool would receive an additional 5 contact hours. A licensee who participates in other activities evaluated and approved by the FSBPT would receive the number of continuing education units set by the FSBPT with each continuing education unit worth 10 contact hours of credit. A licensee who becomes a credentialed Clinical Instructor or a Credentialed Clinical Instructor Trainer as recognized by the APTA would receive 1 contact hour for each hour of coursework required to receive the credential, not to exceed 15 contact hours, to be credited in the renewal cycle during which the credential was issued. A licensee who submits a request to a funding agency for a research grant as a principal or coprincipal investigator would receive 10 contact hours and for an award would receive an additional 10 contact hours. A licensee who serves as a grants reviewer would receive 1 contact hour for every 2 hours of review up to a maximum of 5 contact hours in a single renewal cycle. A licensee who authors or edits a book dealing with a subject regarding the practice of physical therapy would receive an amount of credit determined by the Board not to exceed 15 contact hours to be awarded in the renewal cycle in which the book was published. A licensee who authors or edits a chapter of a book dealing with a subject regarding the practice of physical therapy would receive an amount of credit determined by the Board not to exceed 10 contact hours to be awarded in the renewal cycle in which the book was published. A licensee who authors a published peer-reviewed article regarding the practice of physical therapy would receive an amount of credit determined by the Board not to exceed 10 contact hours to be awarded in the renewal cycle in which the article was published. A licensee who authors a published non-peer-reviewed article regarding the practice of physical therapy would receive an amount of credit determined by the Board not to exceed 5 contact hours to be awarded in the renewal cycle in which the article was published. A licensee who completes a professional self-assessment that is a process for the licensee to evaluate current professional practice ability, establish goals to improve those abilities, develop a plan to meet those goals and document that the objectives are being accomplished would receive an amount of credit determined by the

Board not to exceed a total of 5 contact hours in a single renewal cycle. A licensee who participates in a National physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee or physical therapy services task force member for at least 1 year would receive 5 contact hours for each full year of participation. A licensee who participates in a State physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year would receive 5 contact hours for each full year of participation. A licensee who participates in a local physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year would receive an amount of credit determined by the Board not to exceed 5 contact hours in a single renewal cycle. A licensee who participates in a physical therapy professional organization committee involved with physical therapy services for at least 1 year would receive an amount of credit determined by the Board not to exceed 5 contact hours in a single renewal cycle. A licensee who engages in another continuing competence activity approved by the Board would receive an amount of credit to be determined by the Board.

Act 38 added section 9.1(j) of the act (63 P. S. § 1309.1(c)(4)) to require physical therapist assistants to complete at least 30 hours of continuing physical therapy education for each certificate renewal. Accordingly, the Board proposes similar continuing education provisions for physical therapist assistants in §§ 40.192 and 40.193 (relating to continuing education for certified physical therapist assistant; and continuing competence for certified physical therapist assistant). However, physical therapy assistants would not be able to participate in certain activities available to physical therapists, such as a fellowship, residency or specialty certification. A physical therapist assistant who receives advanced proficiency designation by the APTA would receive 15 contact hours to be credited in the renewal cycle during which the physical therapist assistant was designated.

Qualifications of physical therapist assistants

Act 38 amended the act to provide that physical therapist assistants are certified rather than registered. The Board has proposed replacing this language throughout Chapter 40.

Section 9.1(a) of the act previously required a physical therapist assistant to be at least 20 years of age unless otherwise determined by the Board. Existing § 40.162(a)(1) (relating to application for certification) requires an applicant to be at least 20 years of age, unless otherwise determined by the Board that the applicant has proved the capability to accept and handle the responsibilities appurtenant to registration. Act 38 reduced this statutory minimum age to 18 years of age. Physical therapist assistant programs are typically 2 years long and are begun after completing high school. Very few applicants will be less than 20 years old. The Board proposes to amend § 40.162(a)(1) to require that, unless at least 20 years of age, an applicant who is at least 18 years of age shall have proved to the Board the capability to accept and handle the responsibilities appurtenant to certification.

As discussed as follows, Act 38 amended the act to permit a physical therapist assistant, in certain situations, to provide services under supervision by a physical therapist that is less than direct on-premises supervision. To better describe the requirements, the Board proposes

adding to § 40.152 (relating to definitions) a definition of "indirect supervision" to mean supervision of a physical therapist assistant by a physical therapist that is not direct on-premises supervision as authorized by section 9.1(c) of the act. Section 9.1(c)(4) of the act provides that a physical therapist assistant shall remain under the direct on-premises supervision of a physical therapist until being approved by the Board, based upon certain experience. Accordingly, the Board proposes to add § 40.165 (relating to authorization to provide services as physical therapist assistant under indirect supervision). Proposed § 40.165(a) would provide that an applicant for a certificate of authority to provide services as a physical therapist assistant under indirect supervision shall submit an application on Board forms, together with necessary supporting documentation and the required fee. The Board proposes to amend § 40.5 to provide that the application fee for initial application for certification to provide services under indirect supervision would be \$30, based upon an estimate of the cost to the Board to process the application. Proposed § 40.165(b) would provide the standard for approving the application by requiring that the applicant demonstrate qualification for certification as a physical therapist assistant, demonstrate compliance with section 9.1(c)(4) of the act and otherwise comply with the Board's regulations. Proposed § 40.165(b)(2)(i) would require that the applicant provide verification from prior supervising physical therapists that the applicant has at least 2,000 hours of experience providing patient-related services under the supervision of a licensed physical therapist, as required under section 9.1(c)(4)(i) of the act. Proposed § 40.165(b)(2)(ii) would alternatively permit the applicant to provide documentation verifying that the applicant worked as a physical therapist assistant for at least 3 years between October 2, 2003, and October 2, 2008, the 5-year period immediately preceding the effective date of section 9.1(c)(4) of the act, as required under section 9.1(c)(4)(ii) of the act. The documentation would be by a detailed resume or other adequate documentation to corroborate the verification, and part-time work in that permitted time period would be acceptable if it is equivalent to at least 3 years of full-time work.

Act 38 added section 9.1(a.1) of the act to allow for temporary certification as a physical therapist assistant, limited to providing services only under the direct on-premises supervision of a licensed physical therapist, by an individual who meets the requirements for certification except the examination. The temporary certificate is good for up to 6 months, but expires upon failure of the examination. To implement this new classification, the Board proposes adding § 40.166 (relating to temporary certificate to provide services as physical therapist assistant). Similar to other license classifications, proposed § 40.166(a) would require the applicant to apply on Board forms, provide necessary documentation and pay the fee. Proposed § 40.166(b) would provide that the Board will grant the certificate to an applicant who satisfies the requirements in section 9.1(a.1) of the act, has applied for a regular certificate, has not previously sat for the certification examination, has not previously received a temporary certificate and otherwise complies with the regulations. However, under proposed § 40.166(c), the Board could rescind a temporary certificate if the applicant provided fraudulent information. Proposed § 40.166(d) would repeat the statutory requirement that the temporary certificate expires after 6 months or failure of the examination and become void upon receiving a regular certificate. Proposed § 40.166(e) would provide that the temporary certificate cannot be extended or renewed, and

proposed § 40.166(f) would provide that the holder of a temporary certificate may provide services only under the direct on-premises supervision of a licensed physical therapist.

Supervision of physical therapist assistants

Previously, section 9.1(c) of the act required that a physical therapist assistant perform patient-related physical therapy acts and services under the direct on-premises supervision of a licensed physical therapist. Act 38 amended this provision to require that the physical therapist supervise the physical therapist assistant and provided that the required level of supervision is a function of a number of factors, including the practice setting. To incorporate this amendment, the Board first proposes amending § 40.1 to revise the definition of "direct on-premises supervision" to match the new statutory definition in section 2 of the act (63 P. S. § 1302) to mean the physical presence of a licensed physical therapist in the facility, including affiliated buildings in immediate proximity, who is immediately available to exercise supervision, direction and control.

The Board also proposes adding § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist) to set forth the standards of supervision. Because the statutory standards for supervision are complex, the Board believes that it should repeat those statutory standards along with its regulatory standards in proposing regulations regarding supervision of physical therapist assistants. Accordingly, proposed § 40.173(a) would set forth the general rule from section 9.1(c) of the act that a physical therapist assistant may provide patient care services only under the supervision of a licensed physical therapist. Because direct on-premises supervision has always been the standard and is the most conservative approach, proposed § 40.173(a) would also provide that a physical therapist assistant shall be under direct on-premises supervision of a licensed physical therapist unless the act or the regulations authorize a more relaxed level of supervision. Proposed § 40.173(b) would repeat the requirements in section 9.1(c)(1)(i) of the act that performance of physical therapy services delegated to the physical therapist assistant are at all times the responsibility of the physical therapist. Proposed § 40.173(b)(2) would repeat the requirements from section 9.1(c)(1)(ii) of the act that supervision is based upon the complexity and acuity of the patient's needs, proximity and accessibility of the physical therapist to the physical therapist assistant, supervision available in the event of an emergency or critical event and type of practice setting. Because providing physical therapy services is the responsibility of the physical therapist, the Board believes that the licensed physical therapist shall have the authority to insist upon a greater level of supervision than the act or Board regulations would otherwise appear to require. Accordingly, the Board also proposes providing in § 40.173(b)(3) that the supervising physical therapist may determine and require that the physical therapist assistant provide services under greater supervision than would otherwise be required under the act or Board regulations, including that the physical therapist assistant provide services only under direct on-premises supervision.

Additionally, the Board proposes to add to § 40.171 (relating to functions of physical therapist assistants) an additional subsection to repeat the requirement in section 9.1(c)(2) of the act that the initial patient contact shall be made by a licensed physical therapist for evaluation of the patient and establishment of a plan of care. The

Board similarly proposes to amend § 40.53(b)(2) (relating to nondelegable activities; accountability) to provide that, in addition to the initial evaluation or reevaluation, the initial patient contact may not be with a physical therapist assistant. Because existing § 40.43(b)(4) already prohibits delegation of final discharge assessment/evaluation or establishment of discharge plan to a physical therapist assistant, the Board has not proposed amending its regulations to incorporate the prohibition in section 9.1(h) of the act that a physical therapist assistant may not authorize the discharge of a patient from physical therapy services.

Proposed § 40.173(c) would address the effect of practice setting upon the required level of supervision of a physical therapist assistant. Proposed § 40.173(c)(1) would repeat the requirement in section 9.1(c)(3)(i) of the act that when care is delivered to an individual in an acute care hospital, acute inpatient rehabilitation center, long-term acute care hospital setting or as otherwise required under Federal or State law or regulation, the physical therapist shall be under the direct on-premises supervision of a licensed physical therapist. Proposed § 40.173(c)(2) would repeat the requirement in section 9.1(c)(3)(ii) of the act that when care is provided to an individual in a preschool, primary school, secondary school or other similar educational setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first. Section 9.1(c)(3) of the act also does not address practice in the early intervention setting. Because this is so similar to the educational setting, albeit with younger patients, the Board, consistent with section 9.1(c)(3)(ii) of the act, proposes § 40.173(c)(3) to provide that when care is provided in an early intervention setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first. Proposed § 40.173(c)(4) would repeat the requirement in section 9.1(c)(3)(iii) of the act that when care is provided to a patient in a physical therapy independent private practice outpatient facility, a licensed physical therapist shall provide direct on-premises supervision of a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law and the physical therapist shall be immediately available by telecommunication if not providing direct on-premises supervision. The definition of "physical therapy independent private practice outpatient facility" in section 2 of the act explicitly excludes those practices owned by or affiliated with a hospital or healthcare system and section 9.1(c)(3) of the act also does not address hospital-related settings that are not for acute care. Because this is so similar to practice in private outpatient clinics and because patients in outpatient facilities likely will have less complex or acute needs, other licensed physical therapists will likely be close by and accessible and supervision would not otherwise be available in the event of an emergency, the Board applied the factors in section 9.1(c)(1)(ii) of the act and proposes, consistent with section 9.1(c)(3)(iii) of the act, in proposed § 40.173(c)(5) to provide that when care is provided to a patient in an outpatient facility of a practice owned or affiliated with a hospital or healthcare system, a licensed physical therapist shall provide direct on-premises supervision of a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law and the physical therapist shall be immediately available by telecommuni-

cation if not providing direct on-premises supervision. Proposed § 40.173(c)(6) would repeat the requirement in section 9.1(c)(3)(iv) of the act that for home health care, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or 17 days, whichever occurs first. Additionally, the Board proposes requiring that the “active participation” of a physical therapist in home health care include an examination of the patient, as is provided in the educational setting. Section 9.1(c)(3) of the act does not specifically address practice in a long-term care nursing facility, skilled nursing facility or extended care facility. Because a substantial portion of physical therapist assistants are employed in these practice settings, it is appropriate for the Board to set forth the applicable standard in its regulations. Section 9.1(c)(3)(iv) of the act provides that “For any home health care facility or practice setting not specified” in the preceding subparagraphs, the supervision standard is as previously discussed for home health care. Because by not specifying them the act makes this standard applicable to long-term care nursing facility, skilled nursing facility and extended care facility practice settings, the Board proposes in § 40.173(c)(7) to repeat the same standard applicable for home health care for these practice settings.

Section 9.1(i) of the act permits a physical therapist assistant to continue to render services to existing patients in an emergency situation, such as serious illness or death of a family member, that causes the unanticipated absence of the supervising physical therapist for not more than 2 days per month. Because it appears to be the intent of the General Assembly that these emergency provisions apply to all physical therapist assistants, and not only those certified to provide services under indirect supervision, the Board is proposing § 40.173(d) to codify this interpretation.

Because section 9.1(c)(6) of the act limits a physical therapist from supervising more than three physical therapist assistants at any time, the Board proposes to amend § 40.171(c) to provide that, instead of two physical therapist assistants, a physical therapist may supervise no more than three physical therapist assistants. Because physical therapist assistant students might also be participating in providing patient services under the supervision of a physical therapist clinical instructor, the Board proposes to provide additional clarification that the ratio of physical therapist assistants includes physical therapist assistant students, as well as certified physical therapist assistants.

To appropriately enforce these requirements, the Board proposes adding § 40.181(a) (relating to refusal, suspension or revocation of certification) to provide that the Board may take disciplinary action against a physical therapist assistant who provided services under indirect supervision without holding a certificate to do so (see paragraph (10)) or who provided services under indirect supervision beyond what is authorized for indirect supervision (see paragraph (11)). Section 11(a)(11) of the act (63 P. S. § 1311(a)(11)) authorizes the Board to take disciplinary action against a physical therapist who failed to supervise physical therapist assistants in accordance with the act or Board regulations.

Other topics

While preparing this proposed rulemaking to implement Act 38, the Board also realized that it had not completely amended its existing regulations to implement the transfer of licensure of athletic trainers from the

Board to the State Board of Medicine and the State Board of Osteopathic Medicine. Accordingly, this proposed rulemaking would delete from § 40.5 the fees charged to athletic trainers.

Fiscal Impact and Paperwork Requirements

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

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, st-physical@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6514 (Act 38 of 2008) when submitting comments.

SUSAN L. WHITNEY, PhD, PT, NCS, ATC,
Chairperson

Fiscal Note: 16A-6514. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. PHYSICAL THERAPISTS GENERAL PROVISIONS

§ 40.1. Definitions.

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

APTA—The American Physical Therapy Association.

* * * * *

CAPTE—The Commission on Accreditation in Physical Therapy Education.

Contact hour—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program. For courses taken through an academic institution, a semester credit is equal to 15 contact hours.

Continuing competence—A structured process of education beyond professional entry-level education that is applicable to the practice of physical therapy and designed or intended to support the continuous development of physical therapists and to maintain and enhance their professional competence in accordance with this chapter and the act.

Direct on-premises supervision—The physical presence of a licensed physical therapist [on the premises where the physical therapist assistant or the supportive personnel is providing patient-care services, so that the physical therapist] in the facility, including affiliated buildings in immediate proximity, who is immediately available to [provide] exercise supervision, direction and control.

FSBPT—The Federation of State Boards of Physical Therapy.

* * * * *

§ 40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

* * * * *

Application for reactivation of inactive license	\$30
[Athletic trainer:	
Application for certification	\$20
Biennial renewal	\$37
Certification of examination scores or certification	\$25
Verification of certification	\$15]
<i>Physical therapist assistant:</i>	
Initial application for [registration] certification by exam or endorsement	\$30
Certification of exam scores or [registration] certification	\$25
Biennial renewal of [registration] certification ..	\$45
Verification of [registration] certification	\$15
Initial application for certification to provide services under indirect supervision	\$30
Application for temporary certification	\$15
Application for reactivation of inactive certificate	\$30

LICENSURE

§ 40.11. [License by examination; requirements for examination] Educational requirements for licensure by examination.

[An] (a) Except as provided in § 40.17 (relating to foreign-educated physical therapists applying to

take the licensure examination and pursue a clinical experience), an applicant for license by examination shall have graduated from a physical therapy program accredited by [the Commission on Accreditation in Physical Therapy Education (CAPTE) which has provided adequate instruction in basic sciences, clinical science and physical therapy theory and procedures] CAPTE or by another National organization recognized by the Board that accredits physical therapy programs.

(b) An applicant completing the professional study of physical therapy after 2002 shall hold a minimum of a master's degree in physical therapy from a regionally accredited institution of higher education. An applicant completing the professional study of physical therapy between January 1, 1967, and December 31, 2002, shall hold a minimum of either:

(1) A baccalaureate degree in physical therapy from a regionally accredited institution of higher education.

(2) A baccalaureate degree from a regionally accredited institution of higher education and a post-baccalaureate certificate in physical therapy.

§ 40.12. Application for licensure.

(a) Evidence, satisfactory to the Board, shall be submitted indicating that the applicant:

* * * * *

(4) Has met the professional requirements [as set forth] in § 40.11 (relating to educational requirements for license by examination [; requirements for examination]).

(b) The applicant shall apply on forms supplied by the Board, answer all questions fully and provide all documentation required under subsection (a).

(c) The applicant shall pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure by examination/endorsement.

§ 40.14. Examination; failure; reexamination.

(a) Applicants shall successfully pass, to the satisfaction of the Board, the examination approved by the Board. In cases of failure at the first examination, the applicant shall have, after the expiration of [6 months] 60 days and within [2 years] 1 year from the date of the first failure, the privilege of a second examination, with the payment of an additional examination fee charged by the vendor.

* * * * *

(d) An applicant may not take the examination more than three times in a consecutive 12-month period.

§ 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.

To be eligible to take the examination for licensure, foreign-educated applicants for licensure shall comply with the following conditions:

(1) The applicant shall submit evidence, satisfactory to the Board, indicating that the applicant has met the requirements [stated] in § 40.12(a)(1)—(3) and (b) (relating to application for licensure) and pay the fee in

§ 40.5 (relating to fees) for application for physical therapist licensure through foreign training.

(2) The applicant shall provide written documentation that the applicant has graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy and that the school of physical therapy is recognized by the authorizing agency or entity of the jurisdiction in which the school is situated.

(3) [**The applicant shall provide written documentation of authorization to practice as a physical therapist without limitations in the country where the professional education took place.**

(4)] The applicant shall provide documentation of legal authorization to seek employment in the United States or its territories.

[(5)] (4) The applicant shall [**meet educational requirements**] provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited program as set forth in § 40.11 (relating to educational requirements for licensure by examination) by securing a credentials evaluation from a recognized and accredited evaluation agency approved by the Board. [**The**] **If the applicant's education was completed before 1998, the credentials evaluation must demonstrate that the applicant has met the requirement of at least 120 semester credit hours of which at least 42 credit hours must be in general education subjects and 69 credit hours must be in professional education subjects. If the applicant's education was completed in 1998 or later, credentials evaluation must demonstrate that the applicant has met the requirements of at least 150 semester hours of which at least 60 credit hours must be in general education subjects and 90 credit hours must be in professional education subjects.** If an applicant has deficiencies in general education or professional education, the applicant can correct the deficiencies as follows:

* * * * *

[(6)] (5) *General educational deficiencies.* The applicant may correct general educational deficiencies in the areas specified in paragraph (5)(i) by either:

* * * * *

[(7)] (6) *Clinical experience.* The applicant [**shall complete**] may correct a deficiency in clinical experience by obtaining, at the Board's discretion, up to 1 year of supervised clinical experience in the United States, as approved by the Board.

* * * * *

(Editor's Note: Sections 40.19 and 40.20 are new and printed in regular type to enhance readability.)

§ 40.19. Renewal of physical therapist license.

(a) A license issued under this subchapter expires on December 31 of each even-numbered year unless renewed for the next biennium.

(b) If a licensee's mailing address changes, the licensee shall notify the Board in writing within 10 days thereafter. Notice of renewal will be forwarded to the licensee's last known address on file with the Board. Failure of the Board to send or of the licensee to receive a biennial renewal application does not relieve the licensee of the biennial renewal responsibility.

(c) A licensee applying for biennial license renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist license.

(2) Disclose any license to practice as a physical therapist in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated by section 7.2 of the act (63 P.S. § 1307.2) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.67 (relating to continuing education for licensed physical therapist).

(6) Verify that, if practicing as a physical therapist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 9(b)(4) of the act (63 P.S. § 1309(b)(4)) and § 40.69 (relating to professional liability insurance).

§ 40.20. Inactive status of physical therapist license.

(a) A physical therapist license will become inactive upon either of the following:

(1) The licensee in writing affirmatively requests the Board to place licensure on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to renew the license by the expiration of the renewal period.

(b) A physical therapist whose license has expired or been placed on inactive status may not practice as a physical therapist in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms supplied by the Board, answering all questions fully. The licensee shall:

(1) Include the documentation required under § 40.67(b) (relating to continuing education for licensed physical therapist) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.67(a)(4), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee specified in § 40.5 (relating to fees).

(3) Verify that the licensee did not practice as a physical therapist in this Commonwealth while the license was inactive.

(d) A licensee who does not make the verification required under subsection (c)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the licensee shall pay the renewal fee for each biennial renewal period after the

license became inactive and during which the licensee practiced as a physical therapist in this Commonwealth. The licensee shall also pay a late fee of \$5 per month or part of the month from the first date the licensee practiced as a physical therapist in this Commonwealth after the license became inactive until the date the licensee files a fully-completed reactivation application. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a physical therapist without a current license.

(e) In addition to the other requirements in this section, a licensee whose license has been inactive for 5 years or more shall demonstrate current competence to practice as a physical therapist by at least one of the following:

(1) Successful completion of the licensure examination required under § 40.13 (relating to areas of examination) and section 6(b) of the act (63 P. S. § 1306(b)).

(2) Satisfaction of the requirements in § 40.16 (relating to licensure by endorsement) and proof of continuous licensed practice of physical therapy in one or more other jurisdictions of the United States or Canada for at least 5 years immediately preceding application for reactivation.

SCOPE OF PRACTICE

§ 40.53. Nondelegable activities; accountability.

* * * * *

(b) A physical therapist may not assign or delegate to physical therapist assistants or supportive personnel functions which require the formal education or training and the skill and knowledge of a licensed physical therapist, including the following functions:

* * * * *

(2) Initial **patient contact and initial** evaluation or reevaluation.

* * * * *

PRACTICE WITHOUT [PHYSICIAN] REFERRAL

§ 40.61. Certificate of authorization to practice physical therapy without a referral.

(a) An applicant for certification of authorization to practice physical therapy without [the] a referral of a licensed physician shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following requirements:

* * * * *

(e) A certificateholder may treat [a person] an **individual** without a referral as provided in this chapter for up to 30 calendar days from the date of the first treatment. A physical therapist may not treat [a person] an **individual** beyond 30 days from the date of the first treatment unless the [person] **individual** has obtained a referral from a licensed physician, a **licensed physician assistant practicing under a written agreement, a certified registered nurse practitioner practicing under a collaborative agreement, a licensed dentist for the treatment of a condition that is within the scope of practice of dentistry or a licensed podiatrist for the treatment of a condition that is within the scope of practice of podiatry.** The date of the first treatment for purposes of this subsection is the date the person is treated by any physical therapist treating without a referral.

(f) A certificateholder may not treat a condition in [any person] an **individual** which is a nonneurologic, nonmuscular or nonskeletal condition or treat [a person] an **individual** who has an acute cardiac or acute pulmonary condition unless the certificateholder has consulted with the [person's] **individual's** licensed physician, dentist or podiatrist regarding the [person's] **individual's** condition and the physical therapy treatment plan or has referred the [person] **individual** to a licensed physician, dentist or podiatrist for diagnosis and referral.

§ 40.62. [Professional liability insurance] (Reserved).

[(a) **Beginning January 1, 2005, or upon applying for a certificate of authorization, whichever occurs earlier, a licensee who applies for and obtains a certificate of authorization shall obtain and maintain professional liability insurance coverage in the minimum amount required to be maintained by physicians under section 711 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.711).**

(b) A certificateholder shall notify the Board within 30 days of the holder's lapse in coverage of the required insurance.

(c) The certificate of authorization will automatically be suspended upon failure to be covered by the required insurance and will not be restored until submission to the Board of satisfactory evidence that the licensee has the required professional liability insurance.

(d) Satisfactory evidence of insurance coverage is any one of the following:

(1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(2) Personally purchased professional liability insurance.

(3) Professional liability insurance, coverage provided by the licensee's employer.

(4) A similar type of coverage.]

§ 40.63. Continuing education for direct access certificateholder.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

[**Contact hour—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program.]**

(b) *Continuing education requirement for renewal of certificate of authorization.* Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of [20] 30 contact hours of physical therapy continuing education related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of

the [20] 30 contact hours shall be in evaluative procedures to treat a person without a referral. **During renewal periods prior to January 1, 2011, a direct access certificateholder need complete only 20 hours of continuing education, including at least 10 hours in evaluative procedures.**

* * * * *

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. No waiver or extension of time will be granted unless a written request is submitted by the licensee; or in cases of physical disability or illness, by a physician licensed in this state or another state or territory of the United States or the District of Columbia and whose license is in good standing, or both. Necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the [**applicant**] licensee to make up all or part of the continuing education waived.

* * * * *

(i) *General continuing education requirement.* **Hours of continuing education applied to satisfy the requirement in this section may also be applied to satisfy the requirement in § 40.67 (relating to continuing education for licensed physical therapist). Satisfaction of the continuing education requirement in this section will be deemed to establish satisfaction of the continuing education requirement in § 40.67.**

CONTINUING EDUCATION

(*Editor's Note:* Sections 40.67—40.69 are new and printed in regular type to enhance readability.)

§ 40.67. Continuing education for licensed physical therapist.

(a) *Contact hour requirements.* With the biennial renewal period beginning January 1, 2011, a licensed physical therapist shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a licensee shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education.

(2) Except as permitted in § 40.20(c)(1) (relating to inactive status of physical therapist license), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement in paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement in paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 7.2 of the act (63 P.S. § 1307.2) and this section will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by the licensee; or in case of physical disability or illness, by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing, or both. The necessary documentation shall be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the licensee to make up all or part of the continuing education involved.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner.

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion issued by the course or program provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course or program.
- (iv) The name of the course and any Board issued approval number of the course or program.
- (v) The number of contact hours of continuing education or academic credit.

(2) A licensee shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit licensees to verify compliance with continuing education requirements. A licensee shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following.

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2).

(2) Unless limited by this section, continuing education credit may be earned in a course or program relating to any of the following:

- (i) Subject matter falling within the definition of "physical therapy" in section 2 of the act (63 P.S. § 1302).
- (ii) Subject matter that is part of training necessary to qualify one for licensure as a physical therapist or certification of authority to practice physical therapy without a referral.

(iii) Law or ethics applicable to the practice of physical therapy.

(iv) Subject matter that otherwise keeps the licensee apprised of advancements and new developments in the practice of the profession of physical therapy.

(3) Continuing education credit may not be earned in a course in office management or practice building.

(4) A licensee may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.

(5) A licensee teaching a course or program of continuing education may receive the same credit that a licensee attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in preparation may not exceed the credit available for a licensee attending the course or program.

(d) *Approval of continuing education courses and programs.* Continuing education courses and programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the provider issues to each attending licensee a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

- (A) APTA or its components.
- (B) FSBPT and its jurisdictions.
- (C) A physical therapy program accredited by CAPTE.

(ii) Any other provider seeking preapproved provider status shall:

- (A) Apply to the Board on forms supplied by the Board
- (B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapists without direct review by the Board.

(iii) The Board may terminate preapproved provider status if the provider, including the providers in subparagraph (i), is no longer able to demonstrate that it is competent to provide continuing education to physical therapists without direct review by the Board. The Board will audit preapproved providers to assure that the provider complies with the requirements in this paragraph and paragraph (3).

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (relating to fees). A provider who is unable to submit the application at least 60 days prior to the date the course or program is given may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at various locations and multiple offerings of the course or program. Unless approved by the Board, a significant change in content or use of instructors other than those

described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities in paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to licensees and the public.

(vi) If the provider has not separately sought approval under this paragraph, a licensee attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The licensee shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a licensee attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

(iii) Provide accurate instructional materials.

(iv) Utilize qualified instructors who are knowledgeable in the subject matter.

(v) Evaluate the course or program through the use of questionnaires of the participants and instructors.

(vi) Issue a certificate of completion to each participant.

(vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.

(e) *Continuing competence.* Continuing education is a structured process of education beyond professional entry-level education that is applicable to the practice of physical therapy and is designed or intended to support the continuous development of physical therapists and to maintain and enhance their professional competence. Accordingly, a licensed physical therapist may earn up to 15 contact hours of required continuing education in each biennial renewal period through continuing competence activities that do not otherwise qualify under this section if the activity is approved by the Board under § 40.68 (relating to continuing competence for licensed physical therapist).

§ 40.68. Continuing competence for licensed physical therapist.

(a) *Requirements.* A licensed physical therapist may satisfy in part the requirements in § 40.67 (relating to continuing education for licensed physical therapist) by completing continued competence activities approved by the Board as provided in this section. The Board will be guided by the following principles in applying this section:

(1) Continuing competence should be self-directed by the physical therapist.

(2) Evaluation or assessment of current competence is critical for the physical therapist. The results of an evaluation or assessment should be used by the physical therapist to select appropriate development activities.

(3) A physical therapist should have a wide variety of activities available to demonstrate his competence. There is not a single right way to demonstrate competence.

(b) *Approval process.* A licensee shall apply to the Board on forms provided by the Board and receive approval from the Board to earn continuing education credit for continuing competence activities. The continuing competence activity shall be fully documented, including certification as appropriate. In determining whether to approve a continuing competence activity and how much credit to award, the Board will be guided by the following standards:

(1) Content within the continuing competence activity must be relevant to the physical therapy profession and the designated audience.

(2) The continuing competence activity must foster the participant's learning and professional engagement through reflection, interaction, participation and contribution.

(3) The continuing competence activity must incorporate, reflect and promote the use of evidence-based practice (patient values, available evidence and clinician experience) or be based on the act or this chapter.

(4) Qualified individuals with appropriate subject matter expertise and credentials shall develop and, when applicable, conduct the continuing competence activity.

(5) The continuing competence activity must include behavioral objectives that encompass the content of the activity. The objectives must promote a high level of learning in one or more of the cognitive, psychomotor and affective domains.

(6) The design of the activity must support the achievement of the objectives.

(7) Each continuing competence activity must include objective methods to assess the participant's attainment of the specified activity outcomes.

(8) There must be mechanisms in place for ongoing review and evaluation of the quality and the effectiveness of the continuing competence activity. The activity shall be modified based on information gained from review and evaluation.

(9) The continuing competence provider shall furnish clear, complete information to potential learners about continuing competence activities regarding administrative details, activity specifics and content, biography of the activity deliverer/presenter and participant requirements.

(10) The continuing competence provider shall have established processes for developing, administering and documenting the continuing competence activity.

(c) *Credit.* Credit for continuing competence activities may be awarded in accordance with this subsection. Credit will not be awarded for an activity that duplicates another continuing competence activity or continuing education for which credit is also awarded.

(1) For completion of a fellowship conferred by an organization credentialed by the APTA in a specialty area of the practice of physical therapy—10 contact hours for each full 12-month period of fellowship to be credited in the renewal cycle of completion of the fellowship.

(2) For completion of a residency program in physical therapy offered by an APTA credentialed organization—10 contact hours for each full 12-month period of clinical participation to be credited in the renewal cycle of completion of the residency program.

(3) For specialty certification or specialty recertification by the American Board of Physical Therapy Specialization or its successor organization—15 contact hours upon receipt of certification or recertification to be credited in the renewal cycle of certification or recertification.

(4) Taking the practice review tool of the FSBPT—5 contact hours; passing the practice review tool of the FSBPT—an additional 5 contact hours.

(5) Other activities evaluated and approved by the FSBPT—the number of continuing education units set by FSBPT with each continuing education unit worth 10 contact hours of credit.

(6) Becoming a Credentialed Clinical Instructor or a Credentialed Clinical Instructor Trainer as recognized by the APTA—1 contact hour for each hour of coursework required to receive the credential, not to exceed 15 contact hours, to be credited in the renewal cycle during which the credential was issued.

(7) Submission of a request to a funding agency for a research grant as a principal or coprincipal investigator—10 contact hours; award of the grant—an additional 10 contact hours.

(8) Service as a grants reviewer—1 contact hour for every 2 hours of review up to a maximum of 5 contact hours in a single renewal cycle.

(9) Authoring or editing a book dealing with a subject related to the practice of physical therapy—as determined by the Board, not to exceed 15 contact hours, to be awarded in the renewal cycle in which the book was published.

(10) Authoring or editing a chapter of a book dealing with a subject related to the practice of physical therapy—as determined by the Board, not to exceed 10 contact hours, to be awarded in the renewal cycle in which the book was published.

(11) Authoring a published peer-reviewed article relating to the practice of physical therapy—as determined by the Board, not to exceed 10 contact hours, to be awarded in the renewal cycle in which the article was published.

(12) Authoring a published non-peer-reviewed article relating to the practice of physical therapy—as determined by the Board, not to exceed 5 contact hours, to be awarded in the renewal cycle in which the article was published.

(13) Completing a professional self-assessment that is a process for the licensee to evaluate current professional practice ability, establish goals to improve those abilities, develop a plan to meet those goals and document that the

objectives are being accomplished—as determined by the Board, not to exceed a total of 5 contact hours in a single renewal cycle.

(14) Participating in a National physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee or physical therapy services task force member for at least 1 year—5 contact hours for each full year of participation.

(15) Participation in a State physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year—5 contact hours for each full year of participation.

(16) Participation in a local physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year—as determined by the Board not to exceed 5 contact hours in a single renewal cycle.

(17) Participation in a physical therapy professional organization committee involved with physical therapy services for at least 1 year—as determined by the Board not to exceed 5 contact hours in a single renewal cycle.

(18) Other continuing competence activities—as determined by the Board.

PROFESSIONAL LIABILITY INSURANCE

§ 40.69. Professional liability insurance.

(a) *Professional liability insurance requirements.* As required under section 9.1(b)(4) of the act (63 P. S. § 1309.1(b)(4)), a licensed physical therapist shall maintain professional liability insurance in the minimum amount of \$1 million per occurrence or claims made as a condition of practicing as a physical therapist in this Commonwealth. Coverage may be provided through:

(1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(2) Personally purchased professional liability insurance.

(3) Professional liability insurance, coverage provided by the licensee’s employer.

(4) A similar type of coverage.

(b) *Proof of professional liability insurance coverage.* Proof of professional liability insurance coverage must include a certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage. A license that was issued in reliance upon a letter from the applicant’s insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant’s license as permitted under section 9.1(b)(4)(iii.2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(c) *Disciplinary action.* Failure to maintain insurance coverage as required shall subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P. S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

Subchapter C. PHYSICAL THERAPIST ASSISTANTS

GENERAL PROVISIONS

§ 40.152. Definitions.

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

* * * * *

Indirect supervision—Supervision of a physical therapist assistant by a licensed physical therapist that is not direct on-premises supervision, as authorized under section 9.1(c) of the act (63 P. S. § 1309.1(c)) and this subchapter, including § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

Physical therapist assistant—A person who has been [registered] certified in accordance with the act and this subchapter [and who provides patient-care services only in compliance with this chapter] to provide services as a physical therapist assistant.

Physical Therapist Assistant [Registration] Certification Examination—An examination adopted by the Board and administered in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3(a)). The term also includes an examination administered by another state, territory or the District of Columbia if it is the same examination adopted by the Board.

Physical therapy independent private practice outpatient facility—

(i) A practice owned and operated by a licensee under the act, or by a licensee under the act and a healthcare practitioner, licensed by this Commonwealth, as permitted by law.

(ii) This term does not include a practice owned or affiliated with a hospital or healthcare system.

[REGISTRATION] CERTIFICATION

§ 40.161. [Registration of] Certification as physical therapist assistants; practice; exceptions.

(a) A person may not perform or hold himself out as being able to perform as a physical therapist assistant in this Commonwealth unless the person is **[registered] certified** by the Board under section 9.1 of the act (63 P. S. § 1309.1) and this subchapter or exempted under this section.

(b) A person or business entity may not use in connection with a business name or activity the words “physical therapist assistant,” the letters “P.T.A.” or similar words and related abbreviations to imply that physical therapist assistant services are being provided, unless the services are provided by a physical therapist assistant **[registered] certified** under the act and this subchapter.

* * * * *

§ 40.162. Application for [registration] certification.

(a) The applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria. The applicant:

(1) Satisfies either of the following age requirements:

(i) Is at least 20 years of age [, unless otherwise determined by the Board].

(ii) **Is at least 18 years of age and the Board has determined** that the candidate has proved the capability to accept and handle the responsibilities appurtenant to **[registration] certification.**

* * * * *

(4) Has met the professional requirements for **[registration] certification** under § 40.163 (relating to requirements for **[registration] certification**).

(b) An applicant for **[registration] certification** issued by the Board shall apprise the Board of the following:

* * * * *

(c) The reporting responsibilities enumerated in subsection (b) continue after the Board issues a **[registration] certification**. If, after the Board has issued a **[registration] certification**, one or more events listed under subsection (b)(1) and (2) occur, the **[registrant] certified physical therapist assistant** shall report that matter to the Board in writing on the biennial **[reregistration] renewal** application or within 90 days of its occurrence, whichever occurs sooner. The **[registrant] certified physical therapist assistant** shall report an event occurring under subsection (b)(3) within 30 days of occurrence.

§ 40.163. Requirements for **[registration] certification.**

(a) Under section 9.1(a) of the act (63 P. S. § 1309.1(a)), an applicant for **[registration] certification** by examination shall submit evidence of the following:

* * * * *

(2) A passing grade on the physical therapist assistant **[registration] certification** examination.

(b) Under section 6(d.1) of the act (63 P. S. § 1306(d.1)), an applicant for reciprocal **[registration] certification** shall submit evidence of a valid license, certificate or registration as a physical therapist assistant issued by another state, territory or the District of Columbia, where the requirements for licensure, certification or registration were on the date of issuance substantially the same as those required by this Commonwealth, and which accords similar privileges to persons **[registered] certified** as physical therapist assistants in this Commonwealth.

§ 40.164. Physical therapist assistant **[registration] certification** examination.

(a) *Application procedure.* An applicant applying for **[registration] certification** by examination shall take the physical therapist assistant **[registration] certification** examination. The applicant who is taking the examination within this Commonwealth shall comply with the following:

* * * * *

(*Editor's Note:* Sections 40.165 and 40.166 are new and printed in regular type to enhance readability.)

§ 40.165. **Authorization to provide services as physical therapist assistant under indirect supervision.**

(a) An applicant for a certificate of authority to provide services as a physical therapist assistant under indirect

supervision by a licensed physical therapist shall submit to the Board on forms supplied by the Board a completed application, including all necessary supporting documents, and pay the fee in § 40.5 (relating to fees) for initial application for certification to provide services under indirect supervision.

(b) The Board will grant a certificate of authority as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements in §§ 40.161—40.164.

(2) Demonstrates that the applicant satisfies the requirements in section 9.1(c)(4) of the act (63 P. S. § 1309.1(c)(4)) for certification to provide services as a physical therapist assistant under indirect supervision of a licensed physical therapist by either verifying that the applicant:

(i) Has at least 2,000 hours of experience providing patient-related acts and services under the supervision of one or more licensed physical therapists, as verified by those physical therapists.

(ii) Worked as a physical therapist assistant for at least 3 years between October 2, 2003, and October 2, 2008, the 5-year period immediately preceding the effective date of section 9.1(c)(4) of the act, and providing a detailed resume or other adequate documentation to corroborate the verification. Part-time work will be acceptable if it is at least equivalent to 3 years of full-time work.

(3) Otherwise complies with this subchapter.

§ 40.166. **Temporary certificate to provide services as physical therapist assistant.**

(a) An applicant for a temporary certificate to provide services as a physical therapist assistant under section 9.1(a.1) of the act (63 P. S. § 1309.1(a.1)) shall apply to the Board on forms provided by the Board including all necessary supporting documents and pay the fee in § 40.5 (relating to fees) for application for temporary certificate to provide services as a physical therapist assistant.

(b) The Board will grant a temporary certificate as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements in §§ 40.161—40.164 except the certification examination requirement in § 40.163(a)(2) (relating to requirements for certification).

(2) Has applied for certification to provide services as a physical therapist assistant in accordance with §§ 40.161—40.164 or § 40.165.

(3) Has not previously sat for the certification examination.

(4) Has not previously received a temporary certificate under this section.

(5) Otherwise complies with this subchapter.

(c) The Board may rescind a temporary certificate issued under this section if the Board determines that the certificate was issued based upon fraudulent information, such as the applicant's identity or educational, criminal, or professional or occupational licensure record.

(d) A temporary certificate issued under this section will expire upon the earlier of failing the certification examination or 6 months after issuance. A temporary certificate issued under this section will become void upon issuance of a certificate to provide services as a physical therapist assistant under §§ 40.161—40.165.

(e) A temporary certificate may not be renewed or extended beyond its expiration. The holder of a temporary certificate shall return the certificate to the Board within 10 days after its expiration.

(f) The holder of a temporary certificate may provide services as a physical therapist assistant only under the direct on-premises supervision of a licensed physical therapist.

SCOPE OF ACTIVITIES

§ 40.171. Functions of physical therapist assistants.

* * * * *

(c) Patient care services performed by a physical therapist assistant under [**direct on-premises**] the supervision of a physical therapist shall be on the basis of not more than [**two**] **three** physical therapist assistants for a physical therapist. **A student in a physical therapist assistant program is counted along with a physical therapist assistant in determining compliance with this restriction.**

(d) **The initial patient contact shall be made by a licensed physical therapist for evaluation of the patient and establishment of a plan of care.**

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

§ 40.173. Supervision of physical therapist assistant by licensed physical therapist.

(a) *General rule.* A physical therapist assistant may provide patient care services only under the supervision of a licensed physical therapist. Except as otherwise provided in the act or this subchapter, a physical therapist assistant may provide patient care services only under the direct on-premises supervision of a licensed physical therapist.

(b) *Supervision generally.* The required level of supervision depends upon the following factors:

(1) The performance of selected acts and services by the physical therapist assistant is the responsibility of the licensed physical therapist at all times.

(2) Supervision shall be based upon the following:

(i) The complexity and acuity of the patient's needs.

(ii) The proximity and accessibility of the licensed physical therapist to the certified physical therapist assistant.

(iii) The amount of supervision available in the event of an emergency or critical event.

(iv) The type of practice setting in which the service is provided.

(3) The supervising licensed physical therapist may determine and require that the physical therapist assistant provide services under greater supervision than would otherwise appear to be required under section 9.1(c)(3) of the act (63 P. S. § 1309.1(c)(3)) or this section, including requiring that the physical therapist assistant provide services under direct on-premises supervision.

(c) *Practice setting.* A physical therapist assistant holding a current certificate of authority to provide services under indirect supervision may do so in accordance with this section and section 9.1(c) of the act.

(1) When care is delivered to an individual in an acute care hospital, acute inpatient rehabilitation center, long-term acute care hospital setting or as otherwise required under Federal or State law or regulation, the physical

therapist assistant shall be under the direct on-premises supervision of a licensed physical therapist.

(2) When care is provided to an individual in a pre-school, primary school, secondary school or other similar educational setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(3) When care is provided to an individual in an early intervention setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(4) When care is provided to a patient in a physical therapy independent private practice outpatient facility, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication when not providing direct on-premises supervision.

(5) When care is provided to a patient in an outpatient facility of a practice owned or affiliated with a hospital or healthcare system, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication if not providing direct on-premises supervision.

(6) For home health care, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient.

(7) For care provided in a long-term care nursing facility, skilled nursing facility or extended care facility, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient.

(d) *Emergency situations.* The emergency situation provisions in section 9.1(i) of the act apply to all current certified physical therapist assistants, whether or not authorized by the Board under section 9.1(c)(4) of the act and § 40.165 (relating to authorization to provide services as physical therapist assistant under indirect supervision) to provide services under supervision of a licensed physical therapist other than direct on-premises supervision.

DISCIPLINE

§ 40.181. Refusal, suspension or revocation of [registration] certification.

(a) Under section 9.1(f) of the act (63 P. S. § 1309.1(f)), the Board may refuse, suspend or revoke the [**registration**] **certification** of a person who has:

* * * * *

(10) Provided services as a physical therapist assistant under indirect supervision without having a current certificate of authorization to prac-

tice under indirect supervision issued under § 40.165 (relating to authorization to provide services as physical therapist assistant under indirect supervision).

(11) Provided services as a physical therapist assistant under indirect supervision other than as authorized by section 9.1(c) of the act and § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

* * * * *

MAINTENANCE OF [REGISTRATION] CERTIFICATION

§ 40.191. Renewal of [registration] certification.

(a) A [registration] certification issued under this subchapter expires on December 31 of every [even numbered] even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the [registrant] certified physical therapist assistant. The [registrant] certified physical therapist assistant shall notify the Board in writing within 10 days after making an address change.

(c) To retain the right to engage in practice, the [registrant's registration] certified physical therapist assistant's certification shall be renewed by the [registrant] certified physical therapist assistant in the manner prescribed by the Board, and the required fee shall be paid by the [registrant] certified physical therapist assistant prior to the expiration of the next biennium. A certified physical therapist assistant applying for biennial license renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist assistant certificate.

(2) Disclose any license to provide services as a physical therapist assistant in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed, registered or certified to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the certified physical therapist assistant has complied with the continuing education requirements mandated by section 9.1(j) of the act (63 P. S. § 1309.1(j)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.192 (relating to continuing education for certified physical therapist assistant).

(d) When a [registration] certification is renewed beyond December 31 of an [even numbered] even-numbered year, a [penalty] late fee of \$5 for each month or part of a month that the [registrant] certi-

fied physical therapist assistant has engaged in practice beyond the renewal date will be charged, in addition to the renewal fee. Payment of a late fee does not preclude the Board from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(e) A [registrant] certified physical therapist assistant who does not intend to practice in this Commonwealth and who does not desire to renew the [registration] certification shall inform the Board in writing. Written confirmation of the Board's receipt of the request and notice that the [registration] certification has been classified as inactive will be forwarded to the [registrant] certified physical therapist assistant.

(f) The [registrant] certified physical therapist assistant who either fails to pay the biennial renewal fee or who notifies the Board of the desire not to renew the [registration] certification will not be sent biennial renewal forms for the following biennial renewal periods unless the [registrant] certified physical therapist assistant requests the Board, in writing, to reactivate the [registration] certification.

(g) [A registrant who is applying to return to active status is required to pay the current fees and submit a notarized affidavit stating the period of time during which the registrant was not engaged in practice in this Commonwealth.] To reactivate an inactive certification, the certified physical therapist assistant shall apply on forms supplied by the Board and answer the questions fully. The certified physical therapist assistant shall:

(1) Include the documentation required under § 40.192(b) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.192(a)(4), the Board will not reactivate a certificate until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee in § 40.5.

(3) Verify that the certified physical therapist assistant did not provide services as a physical therapist assistant in this Commonwealth while the certification was inactive.

(h) A certified physical therapist assistant who does not make the verification of subsection (g)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the certified physical therapist assistant shall pay the renewal fee for each biennial renewal period after the certificate became inactive and during which the certified physical therapist assistant provided services as a physical therapist assistant in this Commonwealth. The certified physical therapist assistant shall also pay a late fee of \$5 per month or part of month from the first date the certified physical therapist assistant provided services as a physical therapist assistant in this Commonwealth after the certificate became inactive until the date the certified physical therapist assistant files a fully-completed reactivation application. The applicant for [registration] certification renewal will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not

[engage in practice] provide services as a physical therapist assistant in this Commonwealth. Payment of a late fee does not preclude the Board from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(i) If other conditions of the act and this chapter have been met, active status will be restored upon payment of fees **[and penalties]** which have accrued.

(j) A certified physical therapist assistant who has not renewed the certification may not provide services as a physical therapist assistant in this Commonwealth until the certification has been renewed or reactivated. A certified physical therapist assistant who provides services as a physical therapist assistant in this Commonwealth after the certification has expired and before it has been renewed or reactivated is subject to disciplinary action under section 9.1(d) and (f) of the act, as set forth in § 40.181(a)(6) (relating to refusal, suspension or revocation of certification). A [registrant] certified physical therapist assistant who has engaged in practice during a period in which the [registrant] certified physical therapist assistant's certification was not [registered] active may be subject to criminal prosecution under section 12 of the act (63 P. S. § 1312).

(Editor's Note: Sections 40.192 and 40.193 are new and printed in regular type to enhance readability.)

§ 40.192. Continuing education for certified physical therapist assistant.

(a) *Contact hour requirements.* With the biennial renewal period beginning January 1, 2011, a certified physical therapist assistant shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a certified physical therapist assistant shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 4 contact hours in identifying and responding to emergency health conditions.

(2) Except as permitted in § 40.191(g)(1) (relating to renewal of certification), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement in paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement in paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 9.1(j) of the act (63 P. S. § 1309.1(j)) and this section will subject the certified physical therapist assistant to disciplinary action under section 9.1(f) of the act as provided in § 40.181(6) (relating to refusal, suspension or revocation of certification).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by the certified physical therapist assistant; or in case of physical disability or illness, by a physician licensed in this Commonwealth or another state or territory of the United States or the

District of Columbia and whose license is in good standing, or both. The necessary documentation shall be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the certified physical therapist assistant shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the certified physical therapist assistant to make up all or part of the continuing education involved.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner.

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion issued by the course or program provider, including:

(i) The name of the participant.

(ii) The name of the provider.

(iii) The date or dates of the course or program.

(iv) The name and any Board issued approval number of the course or program.

(v) The number of contact hours of continuing education or academic credit.

(2) A certified physical therapist assistant shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit certified physical therapist assistants to verify compliance with continuing education requirements. A certified physical therapist assistant shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following.

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2).

(2) Unless limited by this section, continuing education credit may be earned in a course or program relating to any of the following:

(i) Subject matter falling within the definition of "physical therapy" in section 2 of the act (63 P. S. § 1302).

(ii) Law or ethics applicable to the practice of physical therapy.

(iii) Subject matter that otherwise keeps the certified physical therapist assistant apprised of advancements and new developments in the practice of the profession of physical therapy.

(3) Continuing education credit may not be earned in a course in office management or practice building.

(4) A certified physical therapist assistant may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.

(5) A certified physical therapist assistant teaching a course or conducting a program of continuing education

may receive the same credit that a certified physical therapist assistant attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in preparation may not exceed the credit available for a certified physical therapist assistant attending the course or program.

(d) *Approval of continuing education courses.* Continuing education courses or programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the course or program provider issues to each attending certified physical therapist assistant a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

(A) APTA or its components.

(B) FSBPT and its jurisdictions.

(C) A physical therapy program accredited by CAPTE.

(D) The American Heart Association and the American Red Cross and their component organizations for purposes of providing continuing education in identifying and responding to emergency health conditions as required under subsection (a)(1).

(ii) Any other provider seeking preapproved provider status shall:

(A) Apply to the Board on forms supplied by the Board.

(B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapist assistants without direct review by the Board.

(iii) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days in prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (related to fees). A provider who is unable to submit the application at least 60 days prior to the date the course or program is given may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at vari-

ous locations and multiple offerings of the course or program. Unless approved by the Board, a significant change in content or use of an instructor or instructors other than those described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities in paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to certified physical therapist assistants and the public.

(vi) If the provider has not separately sought approval under this paragraph, a certified physical therapist assistant attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The certified physical therapist assistant shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a certified physical therapist assistant attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

(iii) Provide accurate instructional materials.

(iv) Utilize qualified instructors who are knowledgeable in the subject matter.

(v) Evaluate the course or program through the use of questionnaires of the participants and instructors.

(vi) Issue a certificate of completion to each participant.

(vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.

(e) *Continuing competence.* Continuing education is a structured process of education beyond professional entry-level education that is applicable to the practice of physical therapy and is designed or intended to support the continuous development of physical therapist assistants and to maintain and enhance their professional competence. Accordingly, a certified physical therapist assistant may earn up to 15 contact hours of required

continuing education in each biennial renewal period through continuing competence activities that do not otherwise qualify under this section if the activity is approved by the Board under § 40.193 (relating to continuing competence for certified physical therapist assistant).

§ 40.193. Continuing competence for certified physical therapist assistant.

(a) *Requirements.* A certified physical therapist assistant may satisfy in part the requirements in § 40.192 (relating to continuing education for certified physical therapist assistant) by completing continuing competence activities approved by the Board as provided in this section. The Board will be guided by the following principles in applying this section.

(1) Continuing competence should be self-directed by the physical therapist assistant.

(2) Evaluation or assessment of current competence is critical for the physical therapist assistant. The results of an evaluation or assessment should be used by the physical therapist assistant to select appropriate development activities.

(3) A physical therapist assistant should have a wide variety of activities available to demonstrate his competence. There is not a single right way to demonstrate competence.

(b) *Approval process.* A certified physical therapist assistant shall apply to the Board on forms provided by the Board and receive approval from the Board to earn continuing education credit for continuing competence activities. The continuing competence activity shall be fully documented, including certification as appropriate. In determining whether to approve a continuing competence activity and how much credit to award, the Board will be guided by the following standards.

(1) Content within the continuing competence activity must be relevant to the physical therapy profession and the designated audience.

(2) The continuing competence activity must foster the participant's learning and professional engagement through reflection, interaction, participation and contribution.

(3) The continuing competence activity must incorporate, reflect and promote the use of evidence-based practice (patient values, available evidence and clinician experience) or be based on the act or this chapter.

(4) Qualified individuals with appropriate subject matter expertise and credentials shall develop and, when applicable, conduct the continuing competence activity.

(5) The continuing competence activity must include behavioral objectives that encompass the content of the activity. The objectives must promote a high level of learning in one or more of the cognitive, psychomotor and affective domains.

(6) The design of the activity must support the achievement of the objectives.

(7) Each continuing competence activity must include objective methods to assess the participant's attainment of the specified activity outcomes.

(8) There must be mechanisms in place for ongoing review and evaluation of the quality and the effectiveness of the continuing competence activity. The activity shall be modified based on information gained from review and evaluation.

(9) The continuing competence provider shall furnish clear, complete information to potential learners about continuing competence activities regarding administrative details, activity specifics and content, biography of the activity deliverer/presenter and participant requirements.

(10) The continuing competence provider shall have established processes for developing, administering and documenting the continuing competence activity.

(c) *Credit.* Credit for continuing competence activities may be awarded in accordance with this subsection. Credit will not be awarded for an activity that duplicates another continuing competence activity or continuing education for which credit is also awarded.

(1) Advanced proficiency designation by the APTA for a physical therapist assistant—15 contact hours to be credited in the renewal cycle during which the certified physical therapist assistant was designated.

(2) Taking the physical therapist assistant practice review tool of the FSBPT, when available—5 contact hours; passing the practice review tool of the FSBPT, when available—an additional 5 contact hours.

(3) Other activities evaluated and approved by the FSBPT—the number of continuing education units set by FSBPT with each continuing education unit worth 10 contact hours of credit.

(4) Becoming a Credentialed Clinical Instructor or a Credentialed Clinical Instructor Trainer as recognized by APTA—1 contact hour for each hour of coursework required to receive the credential, not to exceed 15 contact hours, to be credited in the renewal cycle during which the credential was issued.

(5) Submission of a request to a funding agency for a research grant as a principal or coprincipal investigator—10 contact hours; award of the grant—an additional 10 contact hours.

(6) Service as a grants reviewer—1 contact hour for every 2 hours of review, up to a maximum of 5 contact hours in a single renewal cycle.

(7) Authoring or editing a book dealing with a subject related to the practice of physical therapy—as determined by the Board, not to exceed 15 contact hours, to be awarded in the renewal cycle in which the book was published.

(8) Authoring or editing a chapter of a book dealing with a subject related to the practice of physical therapy—as determined by the Board, not to exceed 10 contact hours, to be awarded in the renewal cycle in which the book was published.

(9) Authoring a published peer-reviewed article relating to the practice of physical therapy—as determined by the Board, not to exceed 10 contact hours, to be awarded in the renewal cycle in which the article was published.

(10) Authoring a published non-peer-reviewed article relating to the practice of physical therapy—as determined by the Board, not to exceed 5 contact hours, to be awarded in the renewal cycle in which the article was published.

(11) Completing a professional self-assessment that is a process for the certified physical therapist assistant to evaluate current professional practice ability, establish goals to improve those abilities, develop a plan to meet those goals and document that the objectives are being accomplished—as determined by the Board, not to exceed a total of 5 contact hours in a single renewal cycle.

(12) Participating in a National physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee or physical therapy services task force member for at least 1 year—5 contact hours for each full year of participation.

(13) Participation in a State physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year—5 hours for each full year of participation.

(14) Participation in a local physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee for at least 1 year—as determined by the Board not to exceed 5 contact hours in any single renewal cycle.

(15) Participation in a physical therapy professional organization committee involved with physical therapy services for at least 1 year—as determined by the Board not to exceed 5 contact hours in a single renewal cycle.

(16) Other continuing competence activities—as determined by the Board.

[Pa.B. Doc. No. 11-1599. Filed for public inspection September 16, 2011, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Professional Conduct; Notice of Animal Supervision

The State Board of Veterinary Medicine (Board) proposes to amend § 31.21 (relating to Rules of Professional Conduct for Veterinarians) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section (5)(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1) and (2)) authorizes the Board to adopt reasonable rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

Background and Need for Amendments

It has come to the attention of the Board that clients are often unaware that their animals are left unattended in a veterinary facility overnight. The Board believes that the client should be informed of what type of practitioner—veterinarian, certified veterinary technician or veterinary assistant—will attend the client’s animal while it is in the veterinary facility and what level of monitoring will be provided to the client’s animal, especially when the animal is left overnight and on weekends.

Description of Proposed Amendments

The Board proposes to amend § 31.21, Principle 7, regarding a veterinarian’s responsibility to clients and patients, to provide that a veterinarian who assumes the

care and custody of an animal shall inform each client, either orally or in writing, whether a veterinarian, certified veterinary technician or veterinary assistant will be on the premises during the time the animal is at the veterinarian’s facility, including evenings and weekends, as well as what level of monitoring the animal will receive during the time the animal is at the veterinarian’s facility. The term “each client” is used to indicate that a sign posted in the veterinary facility is not sufficient to provide a client with this notification.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking may have a small financial impact on licensees who choose to provide written notice to the public. The proposed rulemaking will not have fiscal impact on the public.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us/vet within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ROBIN J. BERNSTEIN, Esq.,
Chairperson

Fiscal Note: 16A-5725. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

* * * * *

Principle 7. Responsibility to clients and patients.

* * * * *

(i) A veterinarian who assumes the care and custody of an animal shall inform each client, either orally or in writing, whether a veterinarian, certified veterinary technician or veterinary assistant will be on the premises during the time the animal is at the veterinarian's facility, including evenings and weekends, and what level of monitoring the animal will receive during the time the animal is at the veterinarian's facility.

* * * * *

[Pa.B. Doc. No. 11-1600. Filed for public inspection September 16, 2011, 9:00 a.m.]

STATEMENTS OF POLICY

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 455]

Consultant Highway Design Errors

The Department of Transportation (Department), under the authority in section 506 of The Administrative Code of 1929 (71 P. S. § 186), rescinds Chapter 455 to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 455 was to establish the official position of the Department regarding design errors committed by its consultants and to establish a uniform procedure for reviewing and responding to errors when they occurred.

Reasons for Rescission

Since its initial publication and amendment in 1997, the Department has found the process in Chapter 455 to be unduly burdensome and cumbersome to implement. In 2005, the Department adopted a similar but not identical “revised” process as part of the Department’s “Publication 93—Procedures for the Administration of Consultant Agreements” (Publication 93). The “revised” process has also proved cumbersome with multiple layers of group decision making so burdensome that the Department has never completed a review.

The current procedure is thus unwieldy and is also not favored by the Federal Highway Administration (FHWA). Since the Department is in the process of revising other components of Publication 93, it is appropriate to also revisit the revised design error review process as part of the revisions to Publication 93.

A recently issued National Cooperative Highway Research Program Report (NCHRP) (Project 20-07, Task 225) outlined a template for the resolution of design errors and omissions consistent with FHWA guidance and the current American Association of State Highway and Transportation Officials suggested process. The NCHRP report proposed six general concepts which are generally consistent with the Department’s proposed streamlined process. The design error process the Department is proposing streamlines the approach while maintaining the critical components needed to address the concepts in the NCHRP report. The newly proposed process provides for an assessment by Department midlevel professional engineers at the district level, an appeal process with the district executive and involvement of the Department’s Central Office and the Office of Chief Counsel early in the process.

In adopting the revised review process as part of comprehensive revisions to Publication 93, rather than replace the statement of policy in Chapter 455, the Department intends to maintain greater flexibility to respond efficiently to further recommendations from the NCHRP and the FHWA. In addition, the Department will be better and more efficiently able to adjust the process after it becomes implemented and the body of experience

in using the process grows. A formal statement of policy is more cumbersome to amend than a Department publication.

Persons and Entities Affected

The proposed new design error process has been discussed with the FHWA and with representatives of American Council of Engineering Companies of Pennsylvania (ACEC). In addition, the affected parties, including the ACEC, will have an opportunity to comment on the new process since revised Publication 93 will be issued by means of the Department’s Clearance Transmittal process. Insofar as the design consultant community is a limited and manageable universe that the Department interacts with regularly, both formally and informally, there is no need to also formally publish the new policy in the *Pennsylvania Code* to ensure that the affected community stays well informed. In addition, the Department’s highway design and construction partners are accustomed to looking for guidance in Department publications.

Fiscal Impact

Rescission of Chapter 455 will not require the expenditure of additional funds by the Commonwealth or local municipalities. The rescission of Chapter 455 will not impose additional costs on the regulated community. It should not impose additional costs on contractors.

Effective Date

The rescission of Chapter 455 will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about this statement of policy is Gary Kleist, P.E., Acting Section Chief, Consultant Agreement Section, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17120-0094, (717) 783-9309.

Order

The Department orders that the statement of policy in Chapter 455 is rescinded.

BARRY J. SCHOCH, P.E.,
Secretary

(Editor’s Note: Title 67 of the Pennsylvania Code is amended by deleting the statement of policy in §§ 455.1—455.3 to read as set forth in Annex A.)

Fiscal Note: 18-417. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 455. (Reserved)

§§ 455.1—455.3. (Reserved).

[Pa.B. Doc. No. 11-1601. Filed for public inspection September 16, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 30, 2011.

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

BANKING INSTITUTIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-24-2011	Colonial American Bank Horsham Montgomery County Application for approval to merge Colonial American Bank of New Jersey, Middletown, NJ, with and into Colonial American Bank, Horsham.	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-26-2011	Harleysville Savings Bank Harleysville Montgomery County	800 Maple Avenue Harleysville Montgomery County (Limited Service Facility)	Approved
8-26-2011	Somerset Trust Company Somerset Somerset County	3720 State Route 711 Ligonier Westmoreland County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-26-2011	Northwest Savings Bank Warren Warren County	<i>To:</i> 2502 East 3rd Street Williamsport Lycoming County <i>From:</i> 815 Westminster Drive Williamsport Lycoming County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
8-25-2011	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 100 Crosskeys Road Collegeville Montgomery County <i>From:</i> 1000 Crosskeys Road Collegeville Montgomery County	Approved and Effective

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1602. Filed for public inspection September 16, 2011, 9:00 a.m.]

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 30, 2011.

Under Section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, at 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101-2290. Comments must be received no later than thirty (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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-2-2011	<i>From:</i> Third Federal Bank Newtown Bucks County <i>To:</i> Third Bank Newtown Bucks County Application for approval to convert from a Federal stock savings bank to state-chartered stock savings bank.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-15-2011	First Savings Bank of Perkasie Perkasie Bucks County	3969 Durham Road Buckingham Township Bucks County	Opened
8-30-2011	Customers Bank Phoenixville Chester County	102 South Ridge Street Rye Brook Westchester County, NY	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-6-2011	Northwest Savings Bank Warren Warren County	104 North Centre Street Pottsville Schuylkill County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-6-2011	Milestone Bank Doylestown Bucks County Amendment to Article VI of the institution's Articles of Incorporation provides for the issuance of preferred stock.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-6-2011	Belco Community Credit Union Harrisburg Dauphin County	Approved and Effective

Amendment to Article IV part 2 of the credit union's Articles of Incorporation provides for a statement that the credit union is organized and operated as a nonprofit corporation.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1603. Filed for public inspection September 16, 2011, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2011, is 5 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.77 to which was added 2.50 percentage points for a total of 5.27 that by law is rounded off to the nearest quarter at 5 1/4%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1604. Filed for public inspection September 16, 2011, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Monday, October 3, 2011, at 6:30 p.m. at Point Park University, Lawrence Hall Ballroom, Corner of Boulevard of the Allies and Wood Street, 201 Wood Street, Pittsburgh, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 11-1605. Filed for public inspection September 17, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0036269 (Sew)	Stewartstown Borough Authority 6 North Main Street Stewartstown, PA 17363	York County Hopewell Township	Ebaugh's Creek/ 7-1	Y
PA0008541 (IW)	Johnson Controls, Inc. PO Box 1592-082K York, PA 17405	York County Spring Garden Township	Codorus Creek/ 7-H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113093 (Non-Municipal)	Christ Wesleyan Church WWTP 363 Stamm Road Milton, PA 17847	Northumberland County Turbot Township	Unnamed Tributary to Limestone Run (10-D)	Y
PA0229130 (Non-Municipal)	R&R Properties SFTF 420 Blueberry Ridge Howard, PA 16841	Centre County Liberty Township	Unnamed Tributary to Hunter;s Run (9C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0034568 (Sewage)	Harbor Mobile Home Park 1650 Harlansburg Road New Castle, PA 16105	Lawrence County Union Township	Unnamed tributary to the Shenango River 20-A	Y
PA0239771 (Sewage)	Mark D. Roberts d/b/a/ Green Meadows MHP 2186 White Oak Trail Warrior, AL 3580	Lawrence County New Beaver borough	Unnamed tributary to Jenkins Run 20-B	Y

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

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

PA0061123, Sewage, SIC Code 4952, **Moscow Sewer Authority**, P. O. Box 525, Moscow, PA 18444-0525. Facility Name: Moscow Sewer Authority STP. This existing facility is located in Moscow Borough, **Lackawanna 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, Roaring Brook, is located in State Water Plan Watershed 05A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.300 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.4	XXX	1.0
CBOD ₅	39.0	58.5	XXX	15.6	23.4	31.2
Total Suspended Solids	43.8	65.8	XXX	17.5	26.3	35.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	3.7	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	11.3	XXX	XXX	4.5	XXX	9.0
Nitrates/Nitrites NO ₂ -NO ₃	20.5	XXX	XXX	8.2	XXX	16.4
Phosphorus	1.0	XXX	XXX	0.4	XXX	0.8

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	9,740			
Net Total Phosphorus	Report	1,217			

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon permit issuance. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

The EPA Waiver is in effect.

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

PA0055123, Industrial Waste, SIC Code 9999, **American Household Inc.**, 2381 Executive Center Drive, Boca Raton, FL 33431. Facility Name: Bally Municipal Well 3 Air Stripper System WTP. This existing facility is located in Bally Borough, **Berks County**.

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

The receiving streams, West Branch Perkiomen Creek or Unnamed Tributary of the West Branch Perkiomen Creek, are located in State Water Plan watershed 3-E and are 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 0.317 MGD.

Unnamed Tributary of the West Branch Perkiomen Creek

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
1,4-Dioxane (Interim)	Report	Report	XXX	Report	Report	XXX
1,4-Dioxane (Final)	0.013	0.026	XXX	0.005	0.01	0.013
1,1,1-Trichloroethane	Report	Report	XXX	Report	Report	XXX
Chloroform	0.005	0.010	XXX	0.002	0.004	0.005
Methylene Chloride	Report	Report	XXX	Report	Report	XXX
Tetrachloroethylene	0.002	0.004	XXX	0.0007	0.0014	0.0017
Trichloroethylene	0.008	0.016	XXX	0.003	0.006	0.007

The proposed effluent limits for Outfall 002 are based on a design flow of 0.317 MGD.

West Branch Perkiomen Creek

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
1,4-Dioxane	0.29	0.581	XXX	0.110	0.22	0.275
1,1,1-Trichloroethane	Report	Report	XXX	Report	Report	XXX
Chloroform	0.555	1.11	XXX	0.21	0.42	0.525
Methylene Chloride	Report	Report	XXX	Report	Report	XXX
Tetrachloroethylene	0.066	0.132	XXX	0.025	0.050	0.063
Trichloroethylene	0.243	0.486	XXX	0.092	0.184	0.230

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.

PA0261599, SIC Code 6514, **Herzberg Delores A & Herzberg Kurt V**, 25 Grandview Drive, Duncannon, PA 17020. Facility Name: Herzberg Res. This proposed facility is located in Tell Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Trough Spring Branch, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Total Suspended Solids	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 2000	XXX	10,000
				Geo Mean		

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.

PA0041581, Sewage, SIC Code 4952, **Liverpool Borough Municipal Authority Perry County**, PO Box 357, Liverpool, PA 17045-357. Facility Name: Liverpool STP. This existing facility is located in Liverpool Borough, **Perry 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), Susquehanna River, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.175 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (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	0.5	XXX	1.6
CBOD ₅	44	66	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	36	58	XXX	30	45	60
		Wkly Avg				
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 2000	XXX	10,000
				Geo Mean		

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

The EPA Waiver is in effect.

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

PA0234028, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. Facility Name: Advanced Water Treatment Building. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of Class A+ Reclaimed Water.

The receiving surface water(s), Slab Cabin Run and University Area Joint Authority High Purity Water Wetland, are located in State Water Plan watershed 9-C and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine	XXX	XXX	XXX	0.27	XXX	0.88
BOD ₅	Report	Report	XXX	2.0	4.0	5.0
Turbidity (NTU)	XXX	XXX	XXX	0.3	XXX	1.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2.2	XXX	23
Ammonia-Nitrogen	26	52	XXX	3.0	6.0	7.5
Total Organic Halogens	Report	Report	XXX	0.2	0.4	0.5
UV Dosage (mjoules/cm ²)	XXX	XXX	50	XXX	XXX	XXX
Total Organic Carbon	Report	Report	XXX	1.0	2.0	2.5
Total Nitrogen	Report	Report	XXX	10	20	25

The proposed effluent limits for Outfall 002 are based on a design flow of 1.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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	0.27	XXX	0.88
BOD ₅	Report	Report	XXX	2.0	4.0	5.0
Turbidity (NTU)	XXX	XXX	XXX	0.3	XXX	1.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2.2	XXX	23
Ammonia-Nitrogen	26	52	XXX	3.0	6.5	7.5
Total Organic Halogens	Report	Report	XXX	0.2	0.4	0.5
UV Dosage (mjoules/cm ²)	XXX	XXX	50	XXX	XXX	XXX
Total Organic Carbon	Report	Report	XXX	1.0	2.0	2.5
Total Nitrogen	Report	Report	XXX	10	20	25

The proposed effluent limits for Outfall 003 are based on a design flow of 0.9 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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	0.27	XXX	0.88
BOD ₅	Report	Report	XXX	2.0	4.0	5.0
Turbidity (NTU)	XXX	XXX	XXX	0.3	XXX	1.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2.2	XXX	23
Ammonia-Nitrogen	22	45	XXX	3.0	6.0	7.5
Total Organic Halogens	Report	Report	XXX	0.2	0.4	0.5
UV Dosage (mjoules/cm ²)	XXX	XXX	50	XXX	XXX	XXX
Total Organic Carbon	Report	Report	XXX	1.0	2.0	2.5
Total Nitrogen	Report	Report	XXX	10	20	25

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001, 002 and 003.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
	<i>Report</i>	<i>Report</i>		<i>Report</i>	<i>Report</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	0			
Net Total Phosphorus	Report	0			

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on the Permit Effective Date. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

- This permit approves offsets for TN and TP for use in permits PA0234028 and PA0026239. One permitted facility may provide an offset to the other permitted facility based on treatment performance. The monthly offset shall be reported as pounds offset for that month on the DMR Supplemental form for Nitrogen and Phosphorous. For the permitted facility giving an offset to the other permitted facility, the offset will be reported as a negative value. For the permitted facility receiving the offset, the offset will be reported as a positive value. The offsets described in this paragraph are not to be considered permanent and may vary month to month. These offsets shall not be used to adjust the nutrient cap loads in future permits.

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

The EPA Waiver is not in effect.

PA0228915 A-1, Sewage, SIC Code 4952, **ORD Sewer Authority**, 235 Skips Lane, Osceola Mills, PA 16666-1753. Facility Name: ORD Wastewater Treatment Facility. This existing facility is located in Decatur Township, **Clearfield County**.

Description of Existing Activity: The application is for a major amendment of an NPDES permit for an existing discharge of treated Sewage. The permit is amended to include Total Residual Chlorine (TRC) limits and new Fecal Coliform limits. The permit also includes eDMR requirement in the Part C Condition of the permit and the new Chapter 92a. boilerplate conditions have been added to the permit.

The receiving stream(s), Moshannon Creek, is located in State Water Plan watershed 8-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000

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

The EPA Waiver is not in effect.

PA0008591, Industrial Waste, SIC Code 2631, **NGC Industries, LLC**, 2586 Old Route 15, New Columbia, PA 17856. Facility Name: NGC Industries, LLC. This existing facility is located in White Deer Township, **Union County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.128 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	106	160	XXX	100	150	200
Total Suspended Solids	106	160	XXX	100	150	200
Oil and Grease	16	XXX	XXX	15	XXX	30

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

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Report</i>	<i>Annual Report</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Net Total Nitrogen	Report	2,758			
Net Total Phosphorus	Report	132			

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on the Permit Effective Date. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

The EPA Waiver is not in effect.

PA0026310 A-2, Sewage, SIC Code 4952, **Clearfield Municipal Authority**, 107 E Market Street, Clearfield, PA 16830. Facility Name: Clearfield Municipal Authority WWTP. This existing facility is located in Lawrence Township, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed amendment is in accordance with the Department's draft "Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)—25 PA Code § 95.10 (Document No. 385-2100-002." The permittee has been accepting drilling wastes and produced fluids from oil and gas operations since 1985 and is considered an existing facility by the provisions of 25 PA Code § 95.10. The following are the proposed changes that will be implemented into the draft permit for Outfall 001:

- The applicant will be limited to the existing maximum daily influent of brine wastewater not to exceed 12,000 gallons per day. Acceptance of Marcellus Shale wastewater is prohibited.
- 1/Week monitoring of TDS, chloride, total barium, total strontium, radium, 226/228, gross alpha, and uranium will be required.
- Part C condition requiring a Radiation Protection Action Plan to be submitted within 180 days to the Bureau of Radiation Protection
- New residual waste reporting condition with gas wastewater language
- CSO Outfall 040 has been removed since it no longer exists

Additionally, the permit will contain the new 25 Pa Code Chapter 92a boilerplate language and fecal coliform instant maximum limitations. Also, the permit will require mandatory eDMR submittal as per the Department's policy for significant Bay dischargers.

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

The EPA Waiver is not in effect.

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

PA0020401, Sewage, SIC Code 4952, **Johnsonburg Borough Municipal Authority**, 520-A Market Street, Johnsonburg, PA 15845. Facility Name: Johnsonburg STP. This existing facility is located in Johnsonburg Borough, **Elk 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, Clarion River, is located in State Water Plan watershed 17-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	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
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	205	330	XXX	25	40	50
Total Suspended Solids	250	375	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

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

- Effluent Chlorine Minimization
- Whole Effluent Toxicity testing for the renewal permit
- Electronic Discharge Monitoring Report filing requirement

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. 4611405, Sewage, **Nathan Kleintop**, 677 Kulp Road, Perkiomenville, PA 18074.

This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment facility.

WQM Permit No. 4611406, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station to serve residential, commercial and industrial uses. A new 12' force main.

WMQ Permit No. 2311403, Sewage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073.

This proposed facility is located in Newtown Township, **Delaware County**.

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

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

WQM Permit No. 2888407 Amendment 11-1, Sewerage, **Greencastle Borough**, 60 North Washington Street, Greencastle, PA 17225-1230.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Biological nutrient removal upgrades to comply with Chesapeake Bay Strategy.

WQM Permit No. 6711402, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17313.

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

Description of Proposed Action/Activity: Improvements to the Honey Valley and Marlborough pumping stations. The work includes removal of existing facilities and construction of new wet well, dry well and control building.

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

WQM Permit No. WQG016188, Sewerage, **Thomas Martelli**, 26 Cherry Hill, Sewickley, PA 15143

This proposed facility is located in Economy Borough, **Beaver County**

Description of Proposed Action/Activity: Application for the construction and operation of a small flow treatment facility.

IV. NPDES Applications for Stormwater Discharges from MS4**V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023511002	BRT ICE, LLP 3 West Olive St. Scranton, PA 18508	Lackawanna	City of Scranton	Lackawanna River, 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911013	Pennsylvania CVS Pharmacy, LLC John Zaharchuk 610 W. Germanton Pike Plymouth Meeting, PA 19462	Lehigh	City of Allentown	Trout Creek, HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041410008(1)	Gray's Woods Professional Dev 428 Windmere Dr Ste 200 State College, PA 16801	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045311002	Kevin Kline PA Dept of Transportation 2-0 1924 Daisy St Ext Clearfield, PA 16830	Potter	Portage Township	HQ-CWF

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046011001	James W. Showers 767 Gray Hill Rd New Columbia, PA 17856	Union	White Deer Township	White Deer Creek HQ-CWF

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

Jefferson County Conservation District, 1514 Route 28, Brookville PA 15825

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0633 11 002	EXCO Resources (PA) LLC 3000 Ericsson Drive, Suite 200 Warrendale PA 15086	Jefferson	Eldred Twp	Red Lick Run & Mill Creek HQ; CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

CAFO Notices of Intent Received

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

PAG124805, CAFO 0213, **David N. Groff**, 262 Pawlings Road, Lewisburg, PA 17837-7311.

This proposed facility is located in Kelly Township, **Union County**.

Description of Size and Scope of Proposed Operation/Activity: Swine finishing for 4400 hogs (604.8 AEU's).

The receiving stream, UNT of Susquehanna River, is in watershed Buffalo Creek (10C) 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.

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
David L. Weaver 740 Marion Drive, Womelsdorf, PA 19567	Berks	101.00	352.11	Layer/ Beef	NA	Renewal
Hamilton Farms LLC 10049 Ferguson Valley Rd Lewistown, PA 17044	Snyder		734.14	Swine	HQ	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 5211505, Public Water Supply.

Applicant **Pocono Mountain Lake Estates**
 [Township or Borough] Lehman Township, **Pike County**
 Responsible Official Margaret Trinkle, 1st. Vice President
 Pocono Mountain Lake Estates
 49 Pocono Mt. Lake Estates Road
 Bushkill, PA 18324
 Type of Facility Community Water System
 Consulting Engineer Michael E. Gable, PE
 Boucher & James, Inc.
 910 Rim Rock Road
 Stroudsburg, PA 18360
 570-629-0300
 Application Received Date June 28, 2011
 Description of Action Application for construction of a new well and associated treatment.

Application No. 3911502, Public Water Supply.

Applicant **Tuthill Corporation**
 DbA Blue Mountain Ski Area
 PO Box 216
 Palmerton, PA. 18071
 [Township or Borough] Lower Towamensing Township,
Carbon County
 Responsible Official Ms. Barbara Green
 Type of Facility Public Water Supply
 Consulting Engineer Keystone Consulting Engineers,
 Inc.
 2870 Emrick Boulevard
 Bethlehem, PA. 18020
 Application Received Date August 12, 2011
 Description of Action This project provides for the construction and installation of a zinc orthophosphate feed system to each water supply line to eliminate red water from iron corrosion in the distribution system.

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

Permit No. 1011508, Public Water Supply

Applicant **Slippery Rock Boro Municipal Authority**
 Township Slippery Rock
 County **Butler**
 Responsible Official Paul A. Dickey
 Type of Facility PWS

Consulting Engineer Daniel Dow
 Herbert Rowland & Grubic
 200 West Kensing Drive, Ste 400
 Cranberry Township, PA 16066
 Application Received Date August 22, 2011
 Description of Action Installation of 1.152 MGD water treatment process for groundwater source
 Applicant **Slippery Rock Boro Municipal Authority**
 Township Slippery Rock
 County **Butler**
 Responsible Official Paul A. Dickey
 Type of Facility PWS
 Consulting Engineer Daniel Dow
 Herbert Rowland & Grubic
 200 West Kensing Drive, Ste 400
 Cranberry Township, PA 16066
 Application Received Date August 24, 2011
 Description of Action Construction of a waterline that will connect the new Hines Rd WTP to the existing distribution system
 Applicant **Jay Township Water Authority**
 Township Jay Township
 County **Elk**
 Responsible Official Richard Liptak
 Type of Facility PWS
 Consulting Engineer Peter Buss
 Gibson-Thomas Engineering Co.
 1004 Ligonier Street
 P.O. Box 853
 Latrobe, PA 15650
 Application Received Date September 1, 2011
 Description of Action Installation of anew static mixer and liquid chlorination system. These will replace an existing undersized mixer and gas chlorination system

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. 4011509MA, Minor Amendment.

Applicant **Ecumenical Enterprises, Inc.**
 EEI Meadows Complex
 55 West Center Hill Road
 Dallas, PA. 18612
 [Township or Borough] Dallas Township, **Luzerne County**
 Responsible Official Mr. Carl Noto

Type of Facility	Public Water Supply
Consulting Engineer	Mr. Walter Poplawski, PE A&E Group, Inc. 140 Maffet Street Wilkes-Barre, PA. 18705
Application Received Date	August 25, 2011
Description of Action	This project provides for the construction of a chlorine contact chamber to provide additional chlorination contact time to meet the requirements of the Ground Water Rule.

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:

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

Campus Oral Surgery, 1000 Rohrerstown Road, Lancaster, PA, 17601, East Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Dr. Eric Katch, 2100 Harrisburg Pike, Suite 22, Lancaster, PA 17604, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will remain a commercial medical facility.

York Plant Holding, 651 Memory Lane, York, PA 17402, Springettsbury Township, **York County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17055, on behalf of Equity Industrial Properties, 145 Rosemary Street, Suite E, Needham, MA 02494 and York Plant Holding, LLC, 651 Memory Lane, York, PA 17402, submitted a Notice of Intent to Remediate site soils contaminated with kerosene released from subsurface piping. The site will be remediated to the Residential Statewide Health standard. The site will remain an electrical power generation facility.

Reading School District Maintenance Garage, 717 Tulpehocken Street, Reading, PA 19601, City of Reading, **Berks County**. SSM Group, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19610, on behalf of Reading School District, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons upon the removal of three underground storage tanks. The site will be remediated to the Site Specific Standard. Future site use was not provided.

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

Taylor Property, Bloomfield Township, **Crawford County**. Marshall, Miller, & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of U.S. Foodservices, 1114 Garden Street, Greensburg, PA 15601 has submitted a Notice of Intent Remediate. A truck accident occurred on November 9, 2010, resulting in the release of approximately 70 gallons of diesel fuel and engine motor oil onto the ground and surface water. The proposed future use of the property will be residential. The intended cleanup standard is Statewide Health. The Notice of Intent to Remediate was published in The Titusville Herald on July 27, 2011.

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

Stewart Compressor Station, Mt. Pleasant Township, **Washington County**. Tetra Tech, Inc., 661 Andersen Drive, Pittsburgh PA 15220 on behalf of

MarkWest Liberty Midstream, LLC 601 Technology Drive, Suite 130, Canonsburg, PA 15317 and Ms. Nancy Stewart, 131 Caldwell Road, Hickory, PA 15340 has submitted a Notice of Intent to Remediate. Methanol was released from an above ground storage tank. The intended use of the property is nonresidential but the Site will be remediated to a residential standard.

Dryer Compressor Station, Independence Township, **Washington County**. Tetra Tech, Inc., 661 Andersen Drive, Pittsburgh PA 15220 on behalf of MarkWest Liberty Midstream, LLC 601 Technology Drive, Suite 130, Canonsburg, PA 15317 and Mr. and Mrs. John Dryer, 690 Washington Pike, Avella PA 15312 has submitted a Notice of Intent to Remediate soil and groundwater. Primary chemicals of concern include benzene, toluene ethylbenzene and xylenes. The intended use of the property is nonresidential but the Site will be remediated to a residential standard.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.10—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.

Correction

The Department is making a minor correction to the permit number for the general permit application, listed below, which was incorrect as printed at 41 Pa.B. 4647, 4664 (August 27, 2011).

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. WMGM019D007. Diamond Mulch, LLC, 121 Brickyard Road, Mars, PA 16046 General Permit Application Number WMGM019 is for processing for beneficial use the following: wood waste, wood mulching, reuse of concrete and asphalt, as well as, timber waste, leaf and yard waste at the above-stated company site of Mars PA, located in Indiana Township, **Allegheny County**. The application for determination of applicability was determined to be administratively complete by the Central Office on August 2, 2011.

Persons interested in reviewing the general permit application and/or providing comments are directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments or recommendations for revision must be submitted by October 26, 2011

RESIDUAL WASTE GENERAL PERMITS

Permit Renewal and Amendments Proposed Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR064. General Permit Number WMGR065 authorizes the beneficial use of natural gas well brines for roadway pre-wetting (brines mixed with antiskid materials prior to roadway application), anti-icing (brines applied directly to roadway and walkway surfaces prior to precipitation event), and for roadway de-icing purposes (brine is applied directly to roadway surfaces after precipitation event). The Department is proposing to renew General Permit Number WMGR065 and make a major modification to the general permit to also authorize the beneficial use of natural gas well brines for (i) dust suppressant and (ii) stabilizer for unpaved secondary roadway systems.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 400633. Wheelabrator Falls Inc., 1201 New Ford Mill Road, Morrisville PA 19067-3701. This application is for the 10-year permit renewal to continue operations of the Wheelabrator Falls, Inc.'s resource recovery facility located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on September 1, 2011.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

43-356B: Hermitage Municipal Authority (800 North Hermitage Road, Hermitage PA, 16148) for modifications to Plan Approval 43-356A for the expansion of the Bobby Run Watter Pollution Control Plant in the City of Hermitage, **Mercer County**. The modifications include changes to the plan approval requirements for Sources 101 (Combined Heat and Power Unit) and 105 (Emergency Generator).

61-219A: GOC Property Holdings, LLC (175 Main Street, Oil City, PA 16301) for construction of a new heat treating facility in the Borough of Rouseville, **Venango County**. Sources at the facility will consist of two (2) furnaces, a quench system, a 1.8 MMBtu/hr boiler and a cooling tower.

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

15-0060G: Southeastern Chester County Refuse Authority (SECCRA) (PO Box 221 Kennett Square, PA 19348) for the expansion of its existing landfill located in London Grove Township, **Chester County**. The facility has recently become a Title V facility and the Department has requested the company to submit a Title V Operating Permit application. The expansion will increase the total capacity of the landfill to 4,046,364 tons of municipal solid waste (MSW). Emissions at the facility of nitrogen oxides (NOx), volatile organic compounds (VOC) and carbon monoxide (CO) will not increase above existing permitted levels in tons/year. Emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAPs) will be controlled by a landfill gas collection system, with 90% capture efficiency at closure of the landfill. Landfill gas collected will be combusted in any combination of two existing internal combustion (IC) engines to produce power or in an existing enclosed flare. The engines and flare have already been permitted and there are some modifications to the emissions limits. The expansion will make the landfill subject to the provisions of Standard of Performance for Municipal Solid Waste Landfills, 40 CFR Part 60 Subpart WWW. SECCRA will follow the monitoring, recordkeeping and reporting requirements of NSPS Subpart WWW which are also written in the Plan Approval.

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

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

41-00078C: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) has submitted an application (41-00078C) to the Pennsylvania Department of Environmental Protection for plan approval to construct four natural-gas fired compressor engines (Source IDs P107-P110) each equipped with oxidation catalysts (C107-C110). The proposed plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) operated under Plan Approval 41-00078B. Additionally, the proposed plan approval establishes more stringent volatile organic compound (“VOC”) emission limitations than those established in Plan Approval 41-00078B. The existing sources including the VOC emission limitations for four existing 6500-gallon slop tanks (Source ID P301), seven existing 300-gallon oil tanks (Source ID P302), and one methanol tank (Source ID P303) are also included in this plan approval. The compressor station is located at the Barto Compressor Station located in Penn Township, **Lycoming County**. The proposed facility is a State Only facility; however, due to the greenhouse gas emissions exceeding the major emission threshold, the proposed facility will be a Title V facility. The proposed plan approval revises the previously proposed Plan Approval 41-00078C including the notices previously published in the *PA Bulletin*.

The Department’s review of the information submitted by Chief Gathering, LLC indicates that the construction of the compressor engines equipped with oxidation catalysts, and the two existing natural-gas fired compressor engines with oxidation catalysts, two existing glycol dehydrators, and three existing natural-gas fired compressor engines with oxidation catalysts, and four existing 6500-gallon slop tanks, seven existing 300-gallon oil tanks, and

one methanol tank will meet all applicable air quality regulatory requirements pertaining to the air contamination sources and controlling the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue this plan approval for the construction and operation of the air contamination sources and control devices as specified above. Additionally, if the Department determines that the above listed sources and control devices are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

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

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the four 2370 brake horsepower, natural-gas fired reciprocating internal combustion engines (Source IDs P107-P110) shall incorporate a "clean burn" electronic control system to control NO_x emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from each engine shall be controlled by a DCL International QUICK-LID model DC69.5A-20 oxidation catalyst unit. The permittee shall not operate any of the engines without the simultaneous operation of the respective oxidation catalyst at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall only use natural gas as fuel for each engine in Source IDs P107-P110.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the following air contaminant emissions from the exhaust of the respective oxidation catalyst associated with its respective engine (Source IDs P107-P110) shall not exceed the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.50 gm/bhp-hr, 2.61 lb/hr, and 11.44 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.28 gm/bhp-hr, 1.46 lb/hr and 6.41 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.13 gm/bhp-hr, 0.68 lb/hr, and 2.98 tons in any 12 consecutive month period,

d. particulate matter (PM/PM₁₀)—0.03 gm/bhp-hr, 0.16 lb/hr and 0.70 tons in any 12 consecutive month period,

e. formaldehyde—0.04 gm/bhp-hr, 0.21 lb/hr and 0.92 tons in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 2 parts per million, by volume, dry basis.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, each oxidation catalyst shall reduce the carbon monoxide emissions by at least 90% from its respective engine (Source IDs P107-P110).

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, each oxidation catalyst shall be equipped with instrumentation to monitor and record pressure drop across each oxidation catalyst and the inlet gas temperature of each oxidation

catalyst and the permittee shall monitor and record these parameters on a continuous basis.

6. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound and formaldehyde stack tests upon each engine (Source IDs P107-P110) within 120 days from the commencement of operation of each engine to demonstrate compliance with the emission limitations and the carbon monoxide destruction efficiency requirement for the oxidation catalyst of each engine.

7. The permittee shall keep records of the following information:

a. The supporting calculations on a monthly basis used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations for Source IDs P107-P110 in any 12 consecutive month period.

b. The number of hours Source IDs P107-P110 operate and the amount of fuel used by Source IDs P107-P110 each calendar year.

c. The test reports and supporting calculations used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, formaldehyde emission limitations, and carbon monoxide destruction efficiency requirement from oxidation catalysts (IDs C107-C110) associated with Source IDs P107-P110.

These records shall be kept for a minimum of five years and shall be made available to the Department upon request.

8. The following air contaminant emissions from the exhaust of each oxidation catalyst associated with each engine (Source IDs P101-P103) shall not exceed the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.50 gm/bhp-hr, 2.61 lb/hr, and 11.44 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.28 gm/bhp-hr, 1.46 lb/hr and 6.41 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.13 gm/bhp-hr, 0.68 lb/hr, and 2.98 tons in any 12 consecutive month period,

d. particulate matter (PM/PM₁₀)—0.03 gm/bhp-hr, 0.16 lb/hr and 0.70 tons in any 12 consecutive month period,

e. formaldehyde—0.04 gm/bhp-hr, 0.21 lb/hr and 0.92 tons in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 2 parts per million, by volume, dry basis.

9. The permittee shall perform volatile organic compound and formaldehyde stack tests upon each engine (Source IDs P101-P103) within 120 days from the issuance of Plan Approval 41-00078C to demonstrate compliance with the emission limitations from the oxidation catalyst associated with each engine.

10. The permittee shall keep additional records of the following information:

a. The supporting calculations on a monthly basis used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations for Source IDs P101-P103 in any 12 consecutive month period.

b. The number of hours Source IDs P101-P103 operate and the amount of fuel used by Source IDs P101-P103 each calendar year.

c. The test reports and supporting calculations used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations.

These records shall be kept for a minimum of five years and shall be made available to the Department upon request.

11. The carbon monoxide, volatile organic compounds, and formaldehyde emissions from Source ID P105 and Source ID P106 shall be controlled by DCL International QUICK-LID model 2-DC65A-12 oxidation catalyst units (Control Device IDs C105 and C106). The permittee shall not operate Source IDs P105 and P106 without the simultaneous operation of the respective oxidation catalyst (Control Device IDs C105 and C106) at any time.

12. Pursuant to 25 Pa. Code Sections 127.601—127.642, Source IDs P105 and P106, when operating at conditions less than rated capacity, are limited to emitting no more than they emit at rated capacity and speed, on a pounds-per-hour basis.

13. Pursuant to 25 Pa. Code Sections 127.601—127.642, visible emissions from Source IDs P105 and P106 shall not equal or exceed 10% for 3 minutes in any 1-hour period and not equal or exceed 30% at any time.

14. The permittee shall only use natural gas as fuel for Source IDs P105 and P106.

15. The following air contaminant emissions from the exhaust of oxidation catalyst (IDs C105 and C106) associated with Source IDs P105 and P106 shall not exceed the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.5 gm/bhp-hr, 1.52 lb/hr, and 6.66 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.07 gm/bhp-hr, 0.22 lb/hr and 0.97 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.12 gm/bhp-hr, 0.37 lb/hr, and 1.60 tons in any 12 consecutive month period,

d. particulate matter (PM/PM₁₀)—0.04 grains per dry standard cubic foot (gr/dscf),

e. formaldehyde—0.03 gm/bhp-hr, 0.08 lb/hr and 0.35 tons in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 500 parts per million, by volume, dry basis.

16. The oxidation catalyst (IDs C105 and C106) shall reduce the carbon monoxide emissions by at least 97% from Source IDs P105 and P106.

17. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound, and formaldehyde stack tests upon Source IDs P105 and P106 within 120 days of issuance of this plan approval to demonstrate compliance with these respective emission limitations and the carbon monoxide destruction efficiency requirement from oxidation catalysts (IDs C105 and C106) associated with Source IDs P105 and P106.

18. The permittee shall keep records of the following information:

a. The supporting calculations on a monthly basis used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations for Source IDs P105 and P106 in any 12 consecutive month period.

b. The number of hours Source IDs P105 and P106 operate and the amount of fuel used by Source IDs P105 and P106 each calendar year.

c. The test reports and supporting calculations used to demonstrate compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, formaldehyde emission limitations, and carbon monoxide destruction efficiency requirement from oxidation catalysts (IDs C105 and C106) associated with Source IDs P105 and P106.

These records shall be kept for a minimum of five years and shall be made available to the Department upon request.

19. The permittee shall only use natural gas as fuel for Source IDs P201 and P202.

20. The following air contaminant emissions from the exhaust of the glycol regenerators incorporated in Source IDs P201 and P202 shall not exceed the limitations listed below:

a. Particulate matter—0.04 gr/dscf and

b. Sulfur oxides—500 ppm_{dv}

c. nitrogen oxides (NO_x, expressed as NO₂)—0.32 tpy (Source ID P201) and 0.85 tpy (Source ID P202)

d. carbon monoxide—0.27 tpy (Source ID P201) and 0.71 tpy (Source ID P202)

e. Volatile organic compounds—3.15 tpy (Source ID P201) and 9.95 (Source ID P202)

21. The total combined volatile organic compounds emissions from all four 6500-gallon slop tanks incorporated in Source ID P301 shall not exceed 0.66 tpy.

22. The total combined volatile organic compounds emissions from all seven 300-gallon oil tanks incorporated in Source ID P302 shall not exceed 0.06 tpy.

23. The total combined volatile organic compounds emissions from methanol tank incorporated in Source ID P303 shall not exceed 0.01 tpy.

24. The permittee shall keep comprehensive and accurate records of the vapor pressure of the contents of the storage tanks incorporated in Source ID P301, P302, and P303 the calculations to demonstrate compliance with their respective emission limitations, and the supporting documentation used to calculate the volatile organic compounds emissions.

25. The permittee shall only store materials with a vapor pressure no greater than 1.5 psia in the storage tanks incorporated in Source IDs P301, P302, and P303

26. The total combined facility-wide emissions for the following air contaminants shall not equal or exceed the following limitations:

a. Nitrogen oxides (expressed as NO₂): 100 tpy

b. Carbon monoxide: 100 tpy

c. Sulfur oxides (expressed as SO₂): 100 tpy

d. Particulate matter less than 10 microns in diameter: 100 tpy

e. Volatile organic compounds: 50 tpy

f. Any single hazardous air pollutant: 10 tpy

g. Any combination of hazardous air pollutants: 25 tpy

27. The permittee shall keep comprehensive and accurate records to demonstrate compliance with the facility-wide emission limitations.

28. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for each engine as specified in 40 CFR Sections 63.6580 through 63.6675.

29. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for each engine as specified in 40 CFR Sections 60.4230 through 60.4248.

30. The permittee shall comply with all applicable requirements of Subpart HH of the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, 40 CFR Sections 63.760 through 63.777 at all times.

The plan approval contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

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

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

37-317B: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) for the construction of a natural gas-fired forge furnace with a total heat input of 26.4 mmbtu/hr in New Castle City, **Lawrence County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This construction of the natural gas-fired forge furnace will result in annual emission increase of 11.6 tpy for NO_x, 9.71 tpy for CO, 0.64 tpy for VOC, 0.88 tpy for PM/PM₁₀/PM_{2.5}, and 0.07 tpy for SO_x. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Subject to 25 PA Code §§ 123.13 and 123.21 for PM and Sulfur Oxides
- The source shall not exceed the following NO_x limitations:
 - For the Large Box furnace: 0.1 #/mmbtu
- Stack test for CO and NO_x using Department approved portable analyzer
- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.

- The company shall maintain a log of the following, at a minimum, from the operational inspections:

- Operational checks were performed
- The permittee shall perform a daily operational inspection of the source when it is operating.
- The permittee shall perform an annual adjustment or tune-up on the combustion process with rated heat input greater than 10 mmbtu/hr. This adjustment shall include, at a minimum, the following:
 - Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.
 - Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable minimize emissions of CO.

- Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

- Records of each adjustment conducted, the records shall contain, at a minimum, the following:

- The date of the tuning procedure
- The name of the service company and technicians
- The final operating rate or load
- The final CO and NO_x emission rates
- The final excess oxygen rate

- The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 PA Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 PA Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [37-317B]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests

for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

In accordance with 25 Pa Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

36-05140D: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) for the use of natural gas combustion in the facility's boilers located at the Terre Hill Facility in East Earl Township, **Lancaster County**.

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

This plan approval is for the authorization to combust natural gas in the facility's two existing boilers and the recently constructed boiler. This modification to the boilers will increase the potential emissions of Carbon Monoxide (CO) by about 33.56 tpy, and decrease the potential emissions of Sulfur Dioxide (SO₂) and Nitrogen Oxides by 33.9 tpy and 1.5 tpy, respectively. Changes in the emissions of Volatile Organic Compounds (VOCs), and Particulate Matter (PM) will be of minor significance. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

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

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

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

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

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

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

OPERATING PERMITS

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

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

Contact: Kanu Patel, Facilities Permitting Chief—Telephone: 717-705-4702

01-05035: Tucker Industrial Liquid Coatings, Inc. (407 North Avenue, East Berlin, PA 17316) operation of two (2) conveyor painting lines, two (2) overhang carry painting lines, two (2) spray booths, facility pretreatment wash operations and a cure oven at their facility in East Berlin Borough, **Adams County**.

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

The actual annual emissions based on 2010 data were approximately 14.76 tons of VOC and 0.49 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

The company shall be subject to and comply with 25 PA Code §§ 127.11, 123.1, 123.2, 123.41, 123.31, 127.1, 129.52 and 40 CFR Part 63 Subpart M—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

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

http://www.portal.state.pa.us/portal/server.pt/community/southcentral_regional_office/13781/community_information/592731

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

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

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

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

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

05 SC Intent to Issue TV OP

21-05055: Frog Switch & Manufacturing Company (600 East High Street, Carlisle, PA 17013) for their steel foundry in Carlisle Borough, **Cumberland County**.

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

The subject facility has the following actual emissions: 34 TPY of CO; 31 TPY of PM₁₀; 25 TPY of VOC; 8 TPY of NO_x; 4 TPY of SO_x; 4 TPY of manganese; and 5 TPY of aggregate HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both electric arc furnaces (Source IDs 112 and 113) and furnace charging operations (Source ID 148) are subject to 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

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

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

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

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

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

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

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

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

48-00058: Effort Foundry, Inc. (PO Box 158, Bath, PA 18014-0158) a renewal State Only Operating Permit for an iron foundry facility in East Allen Township, **Northampton County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

22-05036: Millersburg Area School District/Millersburg High School (799 Center Street, Millersburg, PA 17061) for the elementary school in Millersburg Borough, **Dauphin County**.

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

The subject facility has actual emissions of 15.26 tpy of SO_x, 1.76 tpy of NO_x and 1.41 tpy of PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Source.

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

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

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

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

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

67-03146: Johnson Controls Inc., Grantley Plant (PO Box 1592, York, PA 17405-1592) for operation of air conditioning equipment manufacturing plant in Spring Garden Township, **York County**. This state only permit is a renewal for their permit issued in 2005 (TVOP No. 67-05008 expired on November 2010).

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 primary emission from the facility is VOC. Based on the 2010 data, the actual facility emission was 1.6 tons of VOC.

The Operating Permit will include emission limits and work practice standards along with monitoring, record-keeping 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 Elberton Avenue, Harrisburg, PA 17110.

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

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

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

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

38-03059: Beck Aluminum Alloy, LTD (24 Keystone Drive, Lebanon, PA 17042) for the operations of a secondary aluminum processing plant in South Lebanon Township, **Lebanon County**.

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

The subject facility has the potential to emit 6.21 tpy of sulfur oxides (SO_x), 5.98 tpy of nitrogen oxides (NO_x), 0.98 tpy of particulate matter (PM), 5.53 tpy of hazardous air pollutants (HAPs), and less than one ton of carbon monoxide (CO). The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart RRR, "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production."

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

Thomas J. Hanlon, P.E., Chief, East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

06-03072: Animal Rescue League of Berks County (P.O. Box 69, Mohnton, PA 19540) for operation of an animal crematorium in Cumru 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 renewal for the abovementioned facility.

The subject facility has actual emissions of about 3.5 tons per year (tpy) of particulate matter (PM-10), 1.31 tpy of nitrogen oxides (NO_x), and 0.02 tpy of volatile organic compounds (VOCs). The Operating Permit will include emission limits, work practice standards, monitoring requirements, recordkeeping, and reporting requirements to ensure that the facility complies with the all the applicable air quality regulations.

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

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

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

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

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

07-03049: A.P. Green Refractories, Inc. (RR#1, Box 588D, Claysburg, PA 16625) for their refractory production facility in Greenfield Township, **Blair County**.

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

The subject facility has potential particulate matter emissions of less than 10 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

28-03049: Geisel Funeral Home (333 Falling Spring Road, Chambersburg, PA 17201) for operation of the human crematory in Guilford Township, **Franklin County**.

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

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

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing,

by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

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

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

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

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

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

26-00353: Bute Coal Recovery LLC (195 Enterprise Lane, Connellsville, PA 15425) for a Natural Minor Operating Permit for operation of a coal preparation plant, known as the Bute Prep Plant, in Dunbar Township, **Fayette County**.

The facility contains air contamination sources, consisting of one 150 tph wet screen, one 250 tph wet screen, one heavy media bath/cyclone, conveyers, and storage piles. Facility emissions are 17.19 tons per year of PM10. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Operating Permit (specify Operating Permit OP-26-00353), and

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

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with PA Code Title 25 § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by

publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

03-00025: P.J. Greco & Sons (593 Tarrtown Road, Kittanning, PA 16201) In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to P.J. Greco & Sons to authorize the operation of a scrap metals recycling facility at their Kittanning Plant located in the Kittanning Township, **Armstrong County**. The facility consists of a Cobbler by American Pulverizer Company, torch cutter, magnetic metal separator, a grapple, conveyor, rolloff boxes, storage piles, and other miscellaneous equipment associated with this type of operations.

The facility has a baghouse to control emissions of particulate matter (PM) from the cobbler. Emissions from this facility are 1.53 ton per year of PM and insignificant amount of other pollutants. The proposed SOOP contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-03-00025), and

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

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

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

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

25-00967: Spectrum Control, Inc. (8061 Avonia Road, Fairview, PA 16415) to issue a renewal of the State Only Operating Permit for the electronic connector manufacturing facility in Fairview Township, **Erie County**. The sources at the facility include an N-Propyl Bromide batch vapor degreaser, a TCE batch vapor degreaser, and a N-Methyl Pyrrolidone batch vapor degreaser. The facility is a natural minor. The TCE batch vapor degreaser is subject to the requirements of 40 CFR 63, Subpart T—NESHAP for Halogenated Solvent Cleaning. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00012: Dunbar Asphalt Products, Inc.—Hillsville Plant (4877 West State Street, Hillsville, PA 16132) for renewal of the Synthetic Minor Permit to operate an asphalt paving mixtures and blocks manufacturing facility in Mahoning Township, **Lawrence County**. The facility's emitting sources include, Rotary Dryer, Stockpile & Cold Aggregate Bins, Raw material Handling Equipment, Miscellaneous Asphalt Handling and Asphalt Cement Storage and Heating. The facility has taken a production restriction of 495,000 tons product per year

based on 12-month rolling total to stay below the emission threshold of Title V (less than 100 TPY of Carbon Monoxide). Thus, the facility becomes Synthetic Minor.

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

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

S11-008: Episcopal Hospital (at 100 East Lehigh Avenue, Philadelphia, PA 19125) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a two 475 HP boilers and five (5) emergency generator.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

56773707 and NPDES No. PA 0215775, PBS Coals, Inc., (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Fuel Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on August 31, 2011. Application received: March 25, 2011.

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

33110104 and NPDES Permit No. PA0259144. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface mine in Union Township, **Jefferson County** affecting 73.2 acres. Receiving streams: Little Mill Creek, classified for the following uses: CWF, and Mill Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 25, 2011.

Noncoal Applications Received

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

21900301 and NPDES Permit No. PA0595055. E. E. Kough Sons, P. O. Box 134, 195 Green Springs Road, Newville, PA 17241, renewal of NPDES Permit, North Newton Township, **Cumberland County**. Receiving stream(s): unnamed tributary to Conodoguient Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 28, 2011.

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

26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application to add 70 acres for the Phase 7 of an existing large noncoal surface mine, located in Springfield Township, **Fayette County**, affecting 640 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run, classified for the following use: HQ-CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Municipal Authority of Westmoreland County. Revision application received: August 10, 2011.

65110601 and NPDES Permit No. PA0252107. CH & D Enterprises (100 Brady Place, New Stanton, PA 15672). Application for commencement, operation and reclamation of large noncoal surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 21.1 acres. Receiving streams: Sewickley Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 2, 2011.

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

43060302. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120) Revision to an existing large industrial minerals mine to add 12.2 acres in Jefferson Township, **Mercer County** affecting 73.2 acres. Receiving streams: Lackawannock Creek, classified for the following uses: TSF; and unnamed tributary to the Shenango River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 2, 2011.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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

<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
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*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

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

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

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

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

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

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

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

Noncoal NPDES Draft Permits

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

NPDES No. PA0241962 (Permit No. 10010310). Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Mercer & Pine Townships, **Butler & Mercer Counties**, affecting 253.8 acres.

Receiving streams: Unnamed tributary to Swamp Run, classified for the following uses: CWF. TMDL: None. Application received: May 5, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Swamp Run:

<i>Treatment Facilities:</i> <i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
BB	N
CB	N

The outfall(s) listed below discharge to unnamed tributary to Swamp Run:

<i>Sedimentation Ponds:</i> <i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N

NPDES No. PA0241831 (Permit No. 37000302). I.A. Construction Corporation (158 Lindsay Road, Zelienople, PA 16063) Renewal of an NPDES permit for a large industrial minerals surface mine in Wayne Township, **Lawrence County**, affecting 82.0 acres. Receiving streams: Unnamed tributary No. 2 to Connoquenessing Creek, classified for the following uses: WWF. TMDL: None. Application received: August 24, 2011.

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

The outfall(s) listed below discharge to Unnamed tributary No. 2 to Connoquenessing Creek:

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

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

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6			9
Iron (mg/l)		3	6	7
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹The parameter is applicable at all times.

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

NPDES No. 0257575 (Mining permit no. 08110304), TMT Gravel & Contracting, Inc., 1609 Pennsylvania Avenue, Pine City, New York, 14871 new NPDES permit for Noncoal surface mining in Wells Township, **Bradford County**, affecting 60.33 acres. Receiving stream(s): Seeley Creek, classified for the following use(s): CWF/MF. Application received: Feb. 25, 2011.

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

The outfall(s) listed below discharge to Seeley Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-1	Y

NPDES No. PA 0257087 (Mining permit no. 14090301), Hanson Aggregates PA, Inc., 7660 Imperial Way, Allentown, PA 18195, new NPDES permit for large industrial mineral surface mine in Spring and Marion Townships, **Centre County**, affecting 76.7 acres. Receiving stream(s): Nittany Creek, classified for the following use(s): HQ-CWF. Application received: 02/11/2009.

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 Nittany Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 TF-1	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		XXX	XXX	XXX
Manganese (mg/l)		XXX	XXX	XXX
Aluminum (mg/l)		XXX	XXX	XXX
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		25	50	62.5

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002 SB-E	Y
003 SB-F	Y
004 SB-J	Y
005 SB-K	Y

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

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

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

E14-544. Mervin L. Moyer, 600 Moyer Drive, Howard, PA 16841-1801. Moyer Crossing, in Boggs Township, **Centre County**, ACOE Baltimore District (Snow Shoe SE, PA Quadrangle N: 41°01'42.6"; W: -77°47'02.9").

To remove an existing bridge and to construct and maintain an 8-foot diameter culvert in an unnamed tributary to Little Marsh Creek located at 601 Richner Hollow Road. This project proposes to impact 20 linear feet of Little Marsh Creek, which is classified as a Cold Water Fishery.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E24-08-002, Seneca Resources Corporation, 51 Zents Boulevard, Brookville, PA 15825. Owl 1 Pipeline, in Highland Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Hallton, PA Quadrangle N: 41° 28' 30"; W: 79° 55' 21").

The applicant proposes to construct and maintain approximately 12,685 feet of 12" diameter steel natural gas pipeline located in State Game Lands No. 28 and the Allegheny National Forest in Highland Township, Elk County. The proposed pipeline will connect a natural gas pad to an existing pipeline along Owls Nest Road. The water obstructions and encroachments for the purpose of installing the natural gas gathering line are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/ Longitude</i>
1	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 1804 square feet of temporary impacts.	41.47245° 78.89073°

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/ Longitude</i>
2	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 6394 square feet of temporary impacts.	41.47388° 78.89426°
3	Replacement of two 8" steel culverts with a 24" culvert, installation of a 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and an intermittent stream, and a temporary equipment crossing with 3492 square feet of temporary wetlands impacts, 65 square feet of permanent wetland impacts, 46 linear feet of temporary stream impacts, and 14 linear feet of permanent stream impacts.	41.47520° 78.8958°
4	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a perennial stream and a temporary equipment crossing with 8780 square feet of temporary wetland impacts and 77 linear feet of temporary stream impacts.	41.47763° 78.90058°
5	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 1713 square feet of temporary impacts.	41.47805° 78.90472°
6	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 4712 square feet of temporary impacts.	41.47793° 78.90672°
7	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 5547 square feet of temporary impacts.	41.47851° 78.90925°
8	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and a temporary equipment crossing with 1287 square feet of temporary impacts.	41.48076° 78.91157°
9	A 12" diameter natural gas pipeline to be open trenched under a palustrine emergent (PEM) EV wetland and an intermittent stream and a temporary equipment crossing with 1636 square feet of temporary wetland impacts and 75 linear feet of temporary stream impacts.	41.47904° 78.91945°

The project will result in a total of 198 linear feet of temporary stream impacts, 14 linear feet of permanent stream impacts, and 0.81 acres of temporary wetland impacts, and 0.001 acres of permanent wetland impacts from utility line and road crossings. The unnamed tributaries to Big Run and Pigeon Run are classified as high quality cold water fishery (HQ-CWF).

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

E0829-017: Chief Gathering, LLC, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Burlington and Towanda Township, **Bradford County**, ACOE Baltimore District. To construct, operate and maintain:

1. One 8 inch diameter natural gas line impacting 39 linear feet of an unnamed tributary to Bailey Run (WWF, MF), an adjacent Palustrine Scrub-Shrub Wetland impacting 21,365 square feet and an adjacent Palustrine Forested Wetland impacting 6,659 square feet (Powell, PA Quadrangle, Latitude: 41°44'45.80", Longitude: -76°32'2.67").

2. One 8 inch diameter natural gas line impacting 15 linear feet of an unnamed tributary to Bailey Run (WWF, MF), and an adjacent Palustrine Forested Wetland impacting 2863 square feet (Powell, PA Quadrangle, Latitude: 41°44'39.33", Longitude: -76°32'2.29").

3. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 6 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'33.96", Longitude: -76°31'59.94").

4. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 8,914 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'36.20", Longitude: -76°31'51.20").

5. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 7 linear feet of an unnamed tributary to Bailey Run (WWF, MF), an adjacent Palustrine Scrub-Shrub Wetland impacting 1,489 square feet and an adjacent Palustrine Forested/Scrub-Shrub Wetland impacting 2.5 square feet (Powell, PA Quadrangle, Latitude: 41°44'38.87", Longitude: -76°31'46.38").

6. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'44.03", Longitude: -76°31'39.87").

7. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 6 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'48.59", Longitude: -76°31'19.40").

8. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3,494 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'49.38", Longitude: -76°31'17.07").

9. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3,494 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'44.64", Longitude: -76°31'13.74").

10. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3 linear feet of an un-

named tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'33.87", Longitude: -76°31'17.77").

The project will result in 86 linear feet and 3,383 square feet of temporary stream impacts and 72,677.5 square feet (1.67 acres) of PEM/PSS and PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways.

ENVIRONMENTAL ASSESSMENTS

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

EA05-011: Broad Top Township, PO Box 57, Defiance, Pennsylvania 16633, in Broad Top Township and Coaldale Borough, **Bedford County**, ACOE Baltimore District

To construct and maintain two 8.0-inch waterline crossings in and across Sixmile Run (WWF) for the purpose of capturing two acid mine drainage (AMD) discharges and conveying them approximately 2,700.0 feet to a proposed AMD treatment site. The project is located along the southern border of Coaldale (Saxton, PA Quadrangle; Latitude: 40°09'56", Longitude: -78°13'10") in Broad Top Township and Coaldale Borough, Bedford County.

Central Office: Bureau of Watershed Management, Rachel Carson State Office Building, Floor 10, P. O. Box 8775 Harrisburg, PA 17105-8775

EA9915-04. Division of Habitat Management, PA Fish & Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. Statewide coverage. ACOE Baltimore, Pittsburgh and Philadelphia Districts.

To evaluate the PA Fish & Boat Commission's Cooperative Habitat Improvement Program (CHIP) for conducting habitat improvement and/or habitat restoration of stream and lake resources across the Commonwealth under the provisions of Chapter 105.12(a)(16) waiver of permit requirements for activities undertaken and conducted pursuant to a restoration plan which has been approved in writing by the Department. This review will entail evaluating the planning, implementation and performance of the CHIP program to determine if the activities performed constitute restoration activities and if determined so, to waive the requirements for obtaining Chapter 105 permits pursuant to submission of project specific plans for review and approval in writing by the Department in accordance with the afore mentioned waiver requirements. This application is being evaluated for issuance of a 401 water quality certification.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS802217 (Storm Water)	UPS Freight—Bethlehem Facility 342 Stoke Park Road Bethlehem, PA 18017	Northampton County Bethlehem City	Unnamed Tributary to Monocacy Creek (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205095 Sewage	Kowalik SR STP 1613 Keystone Park Road New Alexandria, PA 15670-9260	Westmoreland County New Alexandria Borough	UNT of Loyalhanna Creek	Y
PA0203696 Sewage	South Side Area School District STP 4949 State Route 151 Hookstown, PA 15050	Beaver County Greene Township	Tributary of Little Traverse Creek	Y
PA0204986 Sewage	Highway Playground STP I 70 Exit 25 Yukon, PA 15698	Westmoreland County South Huntingdon Township	Lick Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239721	Bear Creek Watershed Authority 259 Argyle Street Petrolia, PA 16050	Butler County Fairview Townsihp	Unnamed Tributary to Bear Creek 17-C	Y
PA0103641	Wilmington Twp Sewer Authority 669 Wilson Mill Road New Castle, PA 16105	Lawrence County Wilmington County	Unnamed Tributary to Little Neshannock Creek 20-A	Y

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

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

NPDES Permit No. PA0052256, SW, **The Fredericks Co.**, 2400 Philmont Avenue, Huntingdon Valley, PA 19006-6232.

This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge NCCW and Stormwater from a facility known as Fredericks—Philmont Facility to Huntingdon Valley Creek in Watershed 3-J.

NPDES Permit No. PA0012416, IW, **Pennsylvania American Water**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated filter backwash water and supernatant from sludge holding tanks from a facility known as Rock run WFP to Rock Run Reservoir in Watershed 3-H.

NPDES Permit No. PA0057908, Sewage, **Jericho National Golf Club, Inc.**, 250 Brownsburg Road, New Hope, PA 18938.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 4,220 GPD of treated sewage from a facility known as Jericho National Golf Club STP to Unnamed Tributary to Jericho Creek in Watershed 2E.

NPDES Permit No. PA0058670 Amendment No. 1, IW, Eureka Stone Quarry, Inc., 851 County Line Road, Huntingdon Valley, PA 19006.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for an amendment to change the name of the owner from J.D.M. Materials to Eureka Stone Quarry, Inc. Permit is for the discharge of Stormwater from a concrete manufacturing facility STP to Diamond Run in Watershed 3-F.

NPDES Permit No. PA0058939, A-1, Stormwater, Eureka Stone Quarry, Inc., 851 County Line Road, Huntingdon Valley, PA 19006-1111.

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

Description of Proposed Action/Activity: The Department initiated permit amendment to reflect the correct permittee's name. The legal permittee name is Eureka Stone quarry, d/b/a JDM Materials Company. No other changes were made to the permit.

NPDES Permit No. PA0058963, A-1, Stormwater, Eureka Stone Quarry, Inc., 851 County Line Road, Huntingdon Valley, PA 19006-1111.

This proposed facility is located in Telford Borough, **Bucks County**.

Description of Proposed Action/Activity: The Department initiated permit amendment to reflect the correct permittee's name. The legal permittee name is Eureka Stone quarry, d/b/a JDM Materials Company. No other changes were made to the permit.

NPDES Permit No. PA0058921, A-1, Stormwater, Eureka Stone Quarry, Inc., 851 County Line Road, Huntingdon Valley, PA 19006.

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

Description of Proposed Action/Activity: Approval for an amendment to discharge Stormwater from a facility known as JDM Materials Company—County Line Batch Plant to the Unnamed Tributary to Southampton Creek (PA Stream Code 02453) in Watershed 3J-Pennypack.

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

NPDES Permit No. PA0027553, Sewage, SIC Code 4952, Pine Creek Township Municipal Authority Clinton County, P. O. Box 608, Avis, PA 17721.

This existing facility is located in Pine Creek Township, **Clinton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0020338, Sewage, SIC Code 4952, Kulpmont-Marion Heights Joint Municipal Authority P. O. Box 126, Kulpmont, PA 17834.

This existing facility is located in Coal Township, **Northumberland County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

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

WQM Permit No. 0993205, Industrial Waste, Clean Earth of Southeast Pennsylvania, LLC, 7 Steel Road East, Morrisville, PA 19067.

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

Description of Action/Activity: Permit renewal of continued operation of an industrial facility with the primary operation of thermally treating petroleum contaminated soil.

WQM Permit No. 1506409, Sewage, Renewal, Little Washington Wastewater Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

Description of Action/Activity: Permit renewal to continued operation of a gravity sewer, conveyance system, pump station, force main, treatment plant and drip irrigation system.

WQM Permit No. 1596414, Sewage, London Grove Township Municipal Authority, 372 Rose Hill Road, Suite 300, West Grove, PA 19390.

This proposed facility is located in London Grove, **Chester County**.

Description of Action/Activity: A comminutor, two aerated treatment lagoons, two sand filters, four storage lagoons, one primary and one secondary spray field.

WQM Permit No. 1508411, Sewage, Amendment No. 2, London Grove Township Municipal Authority, 372 Rose Hill Road, Suite 300, West Grove, PA 19390.

This proposed facility is located in London Grove, **Chester County**.

Description of Action/Activity: A comminutor, two aerated treatment lagoons, two sand filters, four storage lagoons, one primary and one secondary spray field.

WQM Permit No. WQG010036, Sewage, **Mr. Louis Wagner, Jr.**, 10 Shelley Road, Quakertown, PA 18951.

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

Description of Action/Activity: Construction and operation of a small flow treatment plant.

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

WQM Permit No. 5711401, Sewerage [SIC Code 4952], **Eagles Mere Borough Authority**, 915 Laporte Ave, Eagles Mere, PA 17731.

This proposed facility is located in Eagles Mere Borough, **Sullivan County**.

Description of Proposed Action/Activity: The construction of a new pump station to convey influent wastewater to the Outlet Wastewater Treatment Plant.

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

WQM Permit No. WQG016187, Sewerage, **Historical Society of Western PA**, Meadowcroft Rockshelter & Historic Village, 401 Meadowcroft Road, Avella, PA 15312-2759

This proposed facility is located in Jefferson Township, **Washington County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow treatment facility.

WQM Permit No. 3011401, Sewerage, **Alexander Shuppe**, PO Box 218, 637 State Route 2011, Dillner, PA 15327

This proposed facility is located in Dunkard Township, **Greene County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an extended aeration STP.

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

WQM Permit No. WQ018813, Sewage, **Larry Magoon**, 10094 PA Route 89, North East, PA 16428.

This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024804011(1)	Deluca Homes 370 East Maple Avenue Suite 101 Langhorne, PA 19047	Northampton	Upper Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI050410001	Borough of Ambridge Water Authority	Beaver	Raccoon Township	Service Creek to Beaver River (HQ-CWF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems

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

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Saucon Twp., Lehigh Co.	PAG02003907018(5)	Marc Albanese DeSales University 2755 Station Ave. Center Valley, PA 18034	Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
City of Scranton, Lackawanna Co.	PAG02003506007(3)	University of Scranton David Wilson Smurfit Arts Center 445 Madison Ave. Scranton, PA 18510	Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Jessup Borough, Lackawanna Co.	PAG02003511018	The Housing Authority of Lackawanna County James Dartt 2019 West Pine St. Dunmore, PA 18512	Sterry Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
City of Reading Berks County	PAG02000604069(2)	Smith, Douglas F. Alvernia University 400 St. Bernardine Street Reading, PA 19607	Angelica Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Cumru Township Berks County	PAG02000606001R	Colarusso, Patrick Freemansville View LLC 5064 Cherrywood Drive Mohnton, PA 19540	UNT to Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
East Pennsboro Township Cumberland County	PAR10H283R(1)	1250 Associates 4479 Chambers Hill Road Harrisburg PA 17111	UNT to Susquehanna River (WWF)	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812
East Pennsboro Township Cumberland County	PAR10H283R(1)	1250 Associates 4479 Chambers Hill Road Harrisburg PA 17111	UNT to Susquehanna River (WWF)	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Greene Township Franklin County	PAG2002806045R	Edwin Martin David H. Martin Business Site David H. Martin Excavating 4961 Cumberland Highway Chambersburg, PA 17201	UNT to East Branch Conococheague (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Hamilton Twp Franklin County	PAG02002811026	Aaron Horton 2321 Majestic Court Chambersburg, PA 17201	UNT to Conococheague (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Washington Twp Franklin County	PAG02002811022	David Philips Capitol Camps 11300 Rockville Pike, Ste. 407 Rockville, MD 20852	Red Run (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Waynesboro Boro Franklin County	PAG02002811024	Kevin Grubbs Storm Drain System PO Box 310 Waynesboro, PA 17268	East Branch of Antietam Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Letterkenny Twp Franklin County	PAG2002811028	Randy Quinn Letterkenny Milvan Container Storage Area One Overcash Ave., Bldg. 14 Chambersburg, PA 17201	Muddy Run (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Southampton Twp Franklin County	PAG2002805076R	Robert Kiel 74 West Broad Street, Ste. 530 Bethlehem, PA 18018	Furnace Run (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Jackson Twp Lebanon County	PAG2003806017R	Samuel D. Abram, Jr. Twin Maples 925 Noble Street Lebanon, PA 17042	Tulpehocken Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4

NOTICES

5021

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Asylum Township Bradford County	PAG2000811010	Red Kennedy Red Bone Services LLC PO Box 887 Elk City, OK 73648	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Mahoning & Valley Townships Montour County	PAG2004704002R	Danville Associates 2300 Atherton St State College, PA 16801	Sechler Run CWF Kase Run CWF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Ralpho Township Northumberland County	PAG2004911006	Roseview Estates 1750 Clinton Ave Coal Township, PA 17866	UNT to Shamokin Creek CWF, MF Millers Run CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4
Armstrong County Mahoning Township	PAG02000311004	Township of Mahoning 987 State Route 1025 New Bethlehem, PA 16242	Mahoning Creek (CWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201
Beaver County Chippewa Township	PAG02000411008	Blackhawk School District—Michelle Miller 500 Blackhawk Road Beaver Falls, PA 15010	North Branch Bradys Run (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Beaver County Economy Borough & New Sewickley Township	PAG02000406021(R)	Traditions of America— David O. Biddison 201 King of Prussia Road Suite 370 Radnor, PA 19087	Crow's Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Beaver County Center Township	PAG02000406014R	Zokaites Contracting Inc.— Frank Zokaites 375 Golfside Drive Wexford, PA 15090	UNT to Moon Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Cambria County Cresson Township	PAG020011110112	Municipal Authority of the Borough of Cresson— Philip Miller 631 Second Street Cresson, Pa 16630	UNT to Little conemaugh River (CWF) & Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Cambria County Chest Township	PAG02001111007	Rock Run Recreation Area, Inc.—Gary Haluska 1228 St. Lawrence Road Patton, PA 16668	Chest Creek (CWF) Rock Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Fayette County Georges Township	PAG2002606017R	Kelly L. Piatti P. O. Box 606 Smithfield, PA 15478	Georges Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Indiana County White Township	PAG02003211006	PennDOT District 10-0— Brian N. Allen 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Two Lick Creek—(TSF)	Indiana County CD 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571
Somerset County Somerset Township	PAG02005609012(1)	Somerset Regional Water Resources, LLC— Larry Mostoller 207 SR 29N Tunkhannock, PA 18657	UNTB to the East Branch of Coxes Creek, (TSF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501
Washington County Chartiers Township & South Strabane Township	PAG02006310005R	PennDOT District 12-0 825 North Gallatin Avenue Uniontown, PA 15401	Chartiers Creek (WWF)	Washington County CD 100 West Beau Street Suite 105 Washington, PA 15301
Washington County Chartiers Township	PAG0206311002	Stone & Company P. O. Box 776 Connellsville, PA 15425	Plum Run (WWF)	Washington County CD 100 West Beau Street Suite 105 Washington, PA 15301
Westmoreland County Hempfield Township	PAG02006511005	Commonwealth of PA Dept. of General Services— Richard E. Miller Public Works Complex 18th & Herr Streets Harrisburg, PA 17125	Jacks Run (WWF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County City of Lower Burrell	PAG02006511004	Hanson Aggregates BMC, Inc.—Joseph P. Conte & Ronald Kurpiel 3100 Seventh Street Road Lower Burrell, PA 15068-3701	Unt. To Little Pucketa Creek (TSF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Hempfield Township	PAG02006511013	Hempfield Township Supervisors 1132 Woodward Drive Greensburg, PA 15601	Township Line Run (WWF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Murrysville	PAG02006511008	Hills Church Associates, LP— J. Michael Ruefle P. O. Box 420 Murrysville, PA 15668	Unt. To Turtle Creek (TSF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Allegheny Township	PAG02006510032	Sevic Landscape & Supply— Daniel L. Sevic, Jr. & Ronald Kurpiel 4749 Leechburg Road New Kensington, PA 15068	Unt. To Chartiers Run (TSF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County City of Lower Burrell	PAG2006505022	Gary M. Sukala 1723 Ridge Avenue Arnold, PA 15068	Chartiers Creek (TSF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Export Borough	PAG02006510024	Westmoreland County Industrial Development Corporation—Jay P. Bandiermonte	Unt. To Turtle Creek (TSF)	Westmoreland CD 218 Donohoe Road Greensburg, PA 15601

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Ivyland Borough Bucks County	PAR110038	Milton Roy Americas 201 Ivyland Road Warminster, PA 18974	Unnamed Tributary to Little Neshaminy Creek—2-F	Southeast Region Water Management 484.250.5970
River Road Transfer Station 400 River Road Upper Merion Township Montgomery County	PAR800039	BFI Transfer Systems of Pennsylvania, LLC 400 River Road Conshohocken, PA 19428	Schuylkill River— 3F	Southeast Region Water Management 484.250.5970
Upper Merion Township Montgomery County	PAR600062	Rossi Auto Salvage Inc. 1700 Dekalb Street King of Prussia, PA 19406	Schuylkill River— 3-F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR140023	Rock Tenn CP. LLC 9820 Blue Grass Road Philadelphia, PA 19114	Wooden Bridge Run—3J	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR230045	Honeywell International, Inc. 4698 Bermuda Street Philadelphia, PA 19137	Unnamed Tributary to Delaware River— 3J	Southeast Region Water Management 484.250.5970
Chester Township Delaware County	PAR140010	Rock Tenn CP. LLC 100 McDonald Boulevard Aston, PA 19014	Unnamed Stream— 3G Delaware River	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR600107	Fifth Street Auto Parts, Inc. 3105 North 5th Street Philadelphia, PA 19133	Frankford Creek— 3J	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR600108	Fifth Street Auto Parts, Inc. 3105 North 5th Street Philadelphia, PA 19133	Frankford Creek— 3J	Southeast Region Water Management 484.250.5970
Willow Grove ARS 1120 Fairchild Street Horsham Township Montgomery County	PAR800120	PA Air National Guard 1120 Fairchild Street Horsham, PA 19044-5236	UNT Park Creek— 2F	Southeast Region Water Management 484.250.5970
Montgomery Township Montgomery County	PAR230021	Illinois Tool Works DBA Philadelphia Resins Corp 130 Commerce Drive Montgomeryville, PA 18936	Park Creek—2F	Southeast Region Water Management 484.250.5970
Wright Twp. Luzerne County	PAR122216	Gruma Corp. dba Mission Foods 15 Elmwood Ave. Mountaintop, PA 18707	Bow Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes Barre, PA 18701-1915 570-826-2511
Cherry Township Sullivan County	PAR224856	A & L Wood, Inc. 8779 Route 220 Dushore, PA 18614	Unnamed Tributary of Birch Creek— 10-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Tarentum Borough Allegheny County	PAR216138	Worldwide Refractories, Inc. 6th and Center Streets PO Box 28 Tarentum, PA 15084	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Dunkard Township Greene County	PAR606185	Jordan Auto Parts, Inc. 217 Moffit Road Dilliner, PA 15327	UNT to the Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Potter Township Centre County	PAG045275	Ronald J. & Robin L. Kuhlman 250 Chestnut Street Spring Mills, PA 16875	Unnamed Tributary to Potter Run—6-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Jefferson Township Washington County	PAG046427	Historical Society of Western Pennsylvania Meadowcroft Rockshelter and Historic Village 401 Meadowcroft Road Avella, PA 15312-2759	Cross Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greenfield Township Erie County	PAG041048	Larry Magoon 10094 PA Route 89 North East, PA 16428	Unnamed tributary to West Branch French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Perry Township, Snyder County	PAG 09 4801	Henry Wendt 724 Brosius Hill Road Mount Pleasant Mills, PA 17853	Wendt Farm Perry Township, Snyder County	NCRO 570-327-0526

General Permit Type—PAG-12

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Spring Twp., Snyder Co.	PAG124804	John D. & Trisha A. Stone 12547 Stage Road McClure, PA 17841	Unt to Middle Creek/CWF	Northcentral Regional Office Watershed Management Program 208 W. Third St., Suite 101 Williamsport, Pa 17701 (570)-327-3667

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

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Malcolm Boone 6990 Old Harrisburg Road York Springs, PA 17372	Adams	10.2	220.5	Turkeys	na	Approved
Granite Ridge Farms Malcolm and Rosanna Rudolph 200 Ginzle Road New Oxford, PA 17350	Adams	514	660.65	Swine	na	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5011506 MA, Minor Amendment, Public Water Supply.

Applicant	Ickesburg Volunteer Fire Department
Municipality	Saville Township
County	Perry
Responsible Official	Jack Furler, Financial Secretary PO Box 126 Ickesburg, PA 17037

Type of Facility Install sodium hypochlorite disinfection for 4-log treatment of viruses.

Consulting Engineer Janet R McNally, P.E.
William F. Hill & Assoc., Inc.
207 Baltimore St.
Gettysburg, PA 17325

Permit to Construct Issued: 8/29/2011

Permit No. 0611518 MA, Minor Amendment, Public Water Supply.

Applicant **Lyons Borough Municipal Authority**

Municipality Lyons Borough

County **Berks**

Responsible Official Debra D. Loy, Chairperson
PO Box 131
Lyon Station, PA 19536

Type of Facility Replace existing gas chlorine disinfection equipment with sodium hypochlorite disinfection equipment.

Consulting Engineer Russell M Smith, P.E.
Spotts Stevens and McCoy Inc
345 North Wyomissing Boulevard
Reading, PA 19610-0307

Permit to Construct Issued: 8/31/2011

Permit No. 2911501 MA, Minor Amendment, Public Water Supply.

Applicant **Leisure Living Retirement Home**

Municipality Dublin Township

County **Fulton**

Responsible Official Clyde White, Owner
29101 Great Cove Road
Ft. Littleton, PA 17223

Type of Facility Installation of sodium hypochlorite disinfection. Also installing contact pipe. Submitted demonstration for 4-log inactivation of viruses.

Consulting Engineer Janet R McNally, P.E.
William F. Hill & Assoc., Inc.
207 Baltimore St.
Gettysburg, PA 17325

Permit to Construct Issued: 8/30/2011

Operations Permit issued to: **Little Britain Menno-nite School**, 7361108, Little Britain Township, **Lancaster County** on 8/29/2011 for the operation of facilities approved under Construction Permit No. 3610535.

Operations Permit issued to: **Yellow Breeches Education Center**, 7220418, West Hanover Township, **Dauphin County** on 8/29/2011 for the operation of facilities approved under Construction Permit No. 2210510.

Operations Permit issued to: **Halifax Area Sewer & Water Authority**, 7220040, Halifax Township, **Dauphin County** on 8/29/2011 for the operation of facilities approved under Construction Permit No. 2210513 MA.

Operations Permit issued to: **Strohecker Mobile Home Park**, 7220009, Halifax Township, **Dauphin County** on 9/1/2011 for the operation of facilities submitted under Application No. 2211508 MA.

Operations Permit issued to: **Perry County Generations**, 7500365, Spring Township, **Perry County** on 8/11/2011 for the operation of facilities approved under Construction Permit No. 5011502 MA.

Operations Permit issued to: **Cumberland Valley School District (Monroe Elementary)**, 7210322, Monroe Township, **Cumberland County** on 8/23/2011 for the operation of facilities approved under Construction Permit No. 2111503 MA.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **College Township Water Authority**

[Township or Borough] College Township

County **Centre**

Responsible Official Mr. Martin McGann, Chairman
College Township Water Authority
1481 East College Avenue
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Robert Weir, P.E.
Entech Engineering, Inc.
4 South Fourth Street
P. O. Box 32
Reading, PA 19603

Permit Issued August 30, 2011

Description of Action Upgrade of the emergency interconnect with Penn State University.

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

Operations Permit issued to: **Somerset County General Authority**, 146 West Main Street, Somerset, PA, 15501, (PWSID #4560009) Jenner Township, **Somerset County** on September 1, 2011 for the operation of facilities approved under Construction Permit # 5604502A1.

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

Permit No. 4211502, Public Water Supply.

Applicant **Bradford City Water Authority**

[Borough or Township] Foster Township

County **McKean**

Type of Facility PWSID

Consulting Engineer Allan Vanderpoel, P.E.
E&M Engineers
24 Derrick Road
Bradford, PA 16701

Permit to Construct Issued September 6, 2011

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dickinson Township	219 Mountain View Road, Mt. Holly Springs, PA 17065	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Dickinson Township, Cumberland County. The proposed Woods of Barnitz subdivision consists of 87 new residential building lots for single family dwellings to be served by individual on-lot sewage disposal systems and a lot addition. The proposed development is located on both the east and west sides of Township Road 474 (Mountain View Road), just south of its intersection with Township Road 475 (West Pine Street). The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delaware Township	815 Quarry Road, McAlisterville, PA 17049	Juniata

Plan Description: Approval of a revision to the Official Sewage Plan of Delaware Township, Juniata County. The proposed Burns Farm Phase 1 subdivision consists of 18 new single family residential building lots, 10 duplexes and 14 townhouses (42 EDU's) proposing connection to the Thompsontown Municipal Authority's public sewer collection system through a new sewer extension. The total estimated sewage flow of 10,500 gallons per day will ultimately be treated at the Thompsontown Municipal Authority's Wastewater Treatment Plant. The proposed development is located on the west side of State Road 333, approximately .5 mile south of Thompsontown. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL**Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fayette Township	PO Box 68, McAlisterville, PA 17049	Juniata

Plan Description: Disapproval of a revision to the Official Sewage Plan of Fayette Township, Juniata County. The proposed Althea Smith Site 1 Subdivision consists of one new residential building lot proposing an individual on-lot sewage disposal system, one lot with an existing dwelling served by an existing on-lot sewage disposal system, one lot addition and a vacant residual lot. The

proposed development is located on the west side of State Road 235 at Harold Lane and the east side of State Road 235 at Van Ormer Road. The plan was disapproved because the consulting hydrogeologist for the project incorrectly used Lost Creek as the point of assessment within the Nitrogen Stream Load Calculation report instead of an unnamed tributary to Lost Creek. When the correct stream is used, calculations show that there will be an impact on the High Quality stream. The applicant did not propose the use of best management practices for on lot sewage disposal to mitigate this impact to the stream.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**Notice of Prompt Interim Response Tamenend PCE, New Britain Borough, Bucks County**

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303) is proposing an interim response at Tamenend PCE, located within the New Britain Borough, Bucks County, Pennsylvania. Tamenend PCE is a mixed residential and industrial area. Most of the site's industrial activities are concentrated along Spring Lake Drive. A total of sixty-eight (68) residential and commercial property wells were sampled during August 2008, February 2009, June 2010, and April 2011. Fourteen (14) of the sixty-eight (68) wells that were sampled contained Volatile Organic Compounds above Maximum Contaminant Levels (MCLs) during at least one sampling event. Cooks Run flows through the southern edge of the site towards Neshaminy Creek. Surface water sampling has revealed no contamination.

The Tamenend PCE site was referred to the PADEP Hazardous Sites Cleanup Program (HSCLP) in April 2008 after the Bucks County Health Department (BCHD) discovered elevated levels of PCE dissolved in groundwater underlying the site. Additionally, trichloroethene (TCE) and cis 1,2 dichloroethene (cis 1,2 DCE) were detected within safe drinking water levels. The Department initiated an investigation in 2008 to both confirm the Health Department's results and expand sampling efforts in the area. This investigation is still ongoing to locate the source of the contamination.

Carbon filters and or the maintenance of filters and bottled water are currently being provided to affected residents by the Department.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of whole house carbon filtration units on affected private residential water supplies combined with restrictions on the use of groundwater.

An Administrative Record, which contains more detailed information concerning this interim response action, is available for public inspection. The Administrative Record may be examined from 8:00 am until 4:00 pm at the Department's office at 2 East Main Street, Norristown PA 19401. An additional copy of the Administrative Record is available for review at the New Britain Borough Office, located at 45 Keeley Avenue in New Britain, PA 18901.

Pursuant to Sections 505(b) and 506(d) of HSCA, 35 P. S. §§ 6020.505(b) and 6020.506(d), the Department will conduct a public hearing on November 1, 2011 at 7:00 PM at the New Britain Borough Hall located at 56 Keeley Avenue in New Britain, PA. Anyone who would like to present formal oral comments regarding this proposed response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business December 16, 2011. Written comments should be addressed to Jonathan Lorio, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401. Anyone with questions regarding this notice should contact Jonathan Lorio at (484) 250-5784 or William Blasberg at 484.250.5865.

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:

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

Sherman Hills Apartments, 300 Parkview Circle, Wilkes-Barre City, **Luzerne County**. David Fife and Daniel Nealon, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 have submitted a Remedial Investigation Report and a Risk Assessment Report (on behalf of their client, Sherman Hills Apartments, 300 Parkview Circle, Wilkes-Barre, PA 18702), concerning the remediation of soil found to have been impacted by lead and inorganics as a result of historical operations of a former incinerator at the site. The reports were submitted in partial fulfillment of the Site-Specific Standard for soil. A public notice regarding the submission of the Remedial Investigation Report and the Risk Assessment Report was published in *The Times Leader* on August 10, 2011.

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

Former Ephrata Manufacturing Company, 104 West Pine Street, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge, P. O. Box 810, Valley Forge, PA 19482, on behalf of Ephrata National Bank, 31 East Main Street, Ephrata, PA 17522, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with arsenic and lead. The Report and Plan are intended to document remediation of the site to meet the Site Specific Standard.

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

Coryland Spill Site, Wells Township, **Bradford County**. ERM, 25 W. 3rd Street, Suite 302, Williamsport, PA 17701 on behalf of Edger Enterprises, RR 1248C Route 6, Towanda, PA 18848 has submitted a Final Report within 90 days of release concerning remediation of site soil contaminated with diesel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Kennedy Highlands Development, Kennedy Township, **Allegheny County**. CP Environmental Group, 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of Maronda Homes Inc., 1383 St. Route 30, Clinton, PA15026 has submitted a Statewide Health Standard Final Report concerning the remediation of site soil contaminated by a former municipal landfill. The Final Report intends to demonstrate attainment of the residential statewide health standard.

Fyock Residence, Bullsken Township, **Fayette County**. Brickhouse Environmental, 515 S. Franklin Street, West Chester, PA 19382 on behalf of Mr. and Mrs.

David Fyock, 322 S. Locust Road, Acme, PA 15610 has submitted a Final Report for contaminated soil and groundwater. The Final Report expects to show attainment of the residential 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 Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Baver Residence, 1 Rolling Mill Road, West Brunswick Township, **Schuylkill County**. James Cinelli and Jason Spanier, Liberty Environmental, Inc., 50 N. 5th Street, 5th Floor, Reading, PA 19601 submitted a Final Report (on behalf of their clients, Frank and Marion Baver, 1 Rolling Mill Road, Auburn, PA 17922), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a punctured saddle tank of a truck, which accidentally skidded through a guard rail and came to rest on the property. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on August 25, 2011.

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

10 Boathouse Road, Hershey, PA 17033, Derry Township, **Dauphin County**. URS Corp., 4507 N. Front Street, Harrisburg, PA 17110, on behalf of Hershey Trust Company, 100 Mansion Road East, Hershey, PA 17033, submitted a Final Report concerning the remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on August 29, 2011.

Former Ephrata Manufacturing Company, 104 West Pine Street, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge, P. O. Box 810, Valley Forge, PA 19482, on behalf of Ephrata National Bank, 31 East Main Street, Ephrata, PA 17522, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with arsenic and lead. The Report and Plan were approved by the Department on September 1, 2011.

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

Spectrum Control Inc., Ferguson Township, **Centre County**. Conestoga Rovers & Assoc., 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2 on behalf of Spectrum Control Inc., 8031 Avonia Road, Fairview, PA 16415 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with tetrachloroethylene, trichloroethylene, barium and lead. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 26, 2011.

American Rock Salt Co., LLC, Dubois City and Sandy Township **Clearfield County**. EnSol, Inc., 661 Main St., Niagara Falls, NY 14301 on behalf of American Rock Salt Co., PO Box 190, Mt. Morris, NY 14510 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics, including chlorides. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on August 23, 2011.

Former Getty Pumping Station Griffith Road, Muncy Creek Township **Lycoming County**. SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Texaco downstream Properties, Inc., c/o CBRES, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with various volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The Cleanup Plan was approved by the Department on August 31, 2011.

Asplundh Construction Corporation Accident, Brennan's Farm Road (SR2034), Mount Carmel Township **Northumberland County**. Northridge Group, Inc. 1172 Ridge Road, Northumberland, PA 17857 on behalf of Asplundh Construction Corporation, 250 Laird St., Plains, PA 18705 has submitted a Final Report within 90 days concerning the remediation of site soil contaminated with diesel fuel and hydraulic fluid. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 6, 2011.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) modified 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 300538 ArcelorMittal Steelton, LLC, 215 South Front St. Harrisburg PA 17113. This is a major permit modification to Solid Waste Permit No. 300538 this modification approves a revision to the groundwater monitoring system as well as a name change of the permittee issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit Application No 100945. Community Refuse Service Inc. d/b/a Cumberland County Landfill. Hopewell and North Newton Townships, **Cumberland County**. This is a major permit modification to Solid Waste Permit No. 100945 for the operation of the Cumberland County landfill, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

This major permit modification approves an increase in the average daily volume from 1500 tons per day to 2500 tons per day, and an increase in the maximum daily volume from 1950 tons per day to 2950 tons per day

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

Permit No. 101705 Chesapeake Waste Solutions Inc. 190 Shellyland Road, Manheim, PA 17545. Permit is for the operation for a municipal waste transfer facility, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

AIR QUALITY

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

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

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

GP9-21-05049B: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105) on August 22, 2011, to install and operate under GP9 a portable internal combustion engine to power a shingle shredder at the Penn Township Quarry in Penn Township, **Cumberland County**.

GP1-06-03103: Aramark Uniform Services (424 Blair Avenue, Reading, PA 19601) on August 22, 2011, for the natural gas-fired boiler under GP1 at their Aramark facility in the City of Reading, **Berks County**. The GP1 authorization was renewed.

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

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

GP5-12-060: J-W Gathering Co. (15505 Wright Brother Drive, Addison, TX 75001) on August 22, 2011, to construct and operate a 1,005 brake horsepower, Caterpillar model G3512 LE natural gas-fired engine with an oxidation catalyst and a 10 MMscf/day Valerus dehydrator pursuant to the General Plan Approval And/OR General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at their Finley Run Compressor Station in Shippen Township, **Cameron County**.

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

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

GP5-10-376A: Rex Energy—Cheeseman Compressor Station (Cheeseman Road, Portersville, PA 16051) on August 30, 2011, to operate four (4) natural gas fired compressor engines and two (2) triethylene glycol dehydrators (BAQ-GPA/GP-5) in Muddy Creek Township, **Butler 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

46-0005AH: Merck, Sharp & Dohme Corp. (770 Sumneytown Pike, West Point, PA 19486) on August 31, 2011, to transfer and use 81.0 tons of VOC Emission Reduction Credits (ERCs) as emission offsets for current projects under 25 Pa. Code § 127.208(2) in Upper Gwynedd Township, **Montgomery County**. The 81.0

tons of VOC ERCs are the result of the shutdown of sources at the Minnesota Mining and Manufacturing Co. (3M), Bristol Township, Bucks County. Merck, Sharp & Dohme, Corp. is a major facility subject to the emission offset requirements of 25 Pa. Code Chapter 127, Subchapter E. This plan approval authorizes an increase in VOC emissions from 24.993 to 60.693 tons per year. The current projects of this plan approval are the increase in production and corresponding disinfection operations for the Chickenpox/Shingles and Rotovirus vaccines. There will be no air pollution control devices and air emissions will be controlled through the use of on-going good manufacturing and operating practices. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

46-0005AG: Merck, Sharp & Dohme Corp. (770 Sumneytown Pike, West Point, PA 19486) on August 31, 2011, to transfer and use 81.0 tons of VOC Emission Reduction Credits in Upper Gwynedd Township, **Montgomery County** from Minnesota Mining & Manufacturing Co. in Bristow Township, Bucks County.

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

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

01-05016M: ISP Minerals, Inc. (PO Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on August 22, 2011, to install and operate a Back Surfacing System, with a 75 tph Air Classifier and Air Slide controlled by two baghouses, at their Charmian Quarry in Hamiltonban Township, **Adams County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

26-00413A: Texas Eastern Transmission, L.P. (P.P. Box 1642, Houston, TX 77251-1642) on August 30, 2011, to extend the period of temporary operation of facility upgrades including a new electric compressor and uprate of an existing electric compressor resulting in VOC emission increases, and a new natural gas-fired space heater until February 27, 2012, at Uniontown Compressor Station located in North Union township, **Fayette County**. The Plan Approval has been extended.

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

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

42-184J: Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738-3804) on August 25, 2011, to modify throughput restrictions associated with an existing induction heat treater (Source ID 4733) at their facility in Lewis Run Borough, **Elk County**. The installation of this unit was previously permitted by the Department under Plan Approval 42-184H.

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

46-0031C: SmithKline Beecham dba GlaxoSmith-Kline (1250 South Collegeville Road, Collegeville, PA 19426) on September 1, 2011, to operate a scrubber in Upper Providence Township, **Montgomery County**.

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

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

34-05001D: Armstrong Cabinet Products (12393 William Penn Highway, Thompsontown, PA 17094) on August 22, 2011, to modify and add to the wood cabinet surface coating operation in Delaware Township, **Juniata County**. The plan approval was extended.

67-03162A: Church & Dwight Company, Inc. (5197 Commerce Drive, York, PA 17408) on August 31, 2011 for the construction of a new cat litter manufacturing line at the facility located in Jackson Township, **York County**. The plan approval was extended.

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

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

59-00005G: Dominion Transmission, Inc. (501 Martindale Street, Suite 400, Pittsburgh, PA 15212-5817) on August 30, 2011, to extend the authorization for the construction of a 2370 horsepower, natural gas-fired reciprocating internal combustion compressor engine controlled by a pre-chambered combustion system, an LE-54C air/fuel ratio controller and an EAS model EN4YE28 oxidation catalyst, for the construction of a 5810 horsepower (49.98 million Btu per hour heat input), natural gas-fired compressor turbine, controlled by a dry low NOx (SoLoNOx) combustion system and a Universal Silencer oxidation catalyst and for the construction of eight 65 kilowatt model C65 NG Low NOx Capstone MicroTurbines, at the Sabinsville Station in Clymer Township, **Tioga County** to March 12, 2012. The plan approval has been extended.

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

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

63-00963D: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on September 1, 2011, as a result of equipment startup, to establish the 180-day period of temporary operation of the fractionator tower and natural gas-fired process heater rated at 148 MMBtu/hr authorized under plan approval PA-63-00936D, until February 27, 2012, at the Houston Gas Plant located in Chartiers Township, **Washington County**.

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

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507

39-00019: Buckeye Pipe Line Co., LP (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) on August 31, 2011, to operate the Macungie Station facility in Lower

Macungie Township, **Lehigh County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G. The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

06-05040: East Penn Manufacturing Co., Inc. (PO Box 147, Lyon Station, PA 19536) on August 22, 2011, for the secondary lead smelting facility in Richmond Township, **Berks County**. The Title V permit was renewed.

36-05002: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17603-2613) on August 23, 2011 for the residential and commercial floor products manufacturing facility located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

36-05142: Mars Snack Foods, Inc. (295 Brown Street, Elizabethtown, PA 17022-2127) on August 23, 2011 for the snack food manufacturing facility located in Elizabethtown Borough, **Lancaster County**.

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

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

18-00007: Brodart Co. (500 Arch Street, Williamsport, PA 17701) on September 6, 2011, to issue a renewal Title V Operating Permit for their facility in the Wayne Township, **Clinton County**. The renewal Title V Operating Permit 18-00007 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State air regulations.

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

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

20-00123: Lord Corp.—Cambridge Springs (124 Grant Street, Cambridge Springs, PA 16403-1014) on August 26, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible for their facility in Cambridge Springs Borough, **Crawford County**.

25-00035: Molded Fiber Glass Co.—Union City (55 4th Avenue, Union City, PA 16438-1247) on August 29, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the plan approval 25-035B requirements into the permit for their facility in Union City Borough, **Erie County**.

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

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

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

46-00228: Plymouth Meeting Mall, Inc. (500 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462) on August 30, 2011, to operate a retail shopping mall in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are two (2) boilers and one emergency generator. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

08-00026: New Enterprise Stone and Lime Co., Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on August 29, 2011, to operate their Sheshequin Plant facility in Sheshequin Township, **Bradford County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

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

22-03009: Dauphin Precision Tool, LLC (200 Front Street, Millersburg, Pennsylvania 17061-1324) on August 11, 2011, for the precision metal cutting tools manufacturing facility in Millersburg Borough, **Dauphin County**. The State Only Operating permit was renewed.

67-05092: Starbucks Coffee Company (3000 Espresso Way, York, PA 17402-8035) on September 1, 2011 for the coffee manufacturing facility located in East Manchester Township, **York County**. The State-only permit was renewed.

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

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

08-00026: New Enterprise Stone and Lime Co., Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on August 29, 2011, to operate their Sheshequin Plant facility in Sheshequin Township, **Bradford County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00312: Purvis Brothers, Inc.—Mars Facility (321 Mars-Valencia Road, Mars, PA 16406) on August 25, 2011, to re-issue a Synthetic Minor Permit to operate a Petroleum Bulk Station in Adams Township, **Butler County**.

24-00135: National Fuel Gas Supply Corp.—Island Run Compressor Station (R.D. 2, St. Marys, PA 15857) on August 25, 2011, to re-issue a Synthetic Minor Permit to operate a natural gas compressor station in Ridgeway Township, **Elk County**.

33-00038: Brookville Wood Products Inc. (12942 Route 322, Brookville, PA 15825) on August 30, 2011, to renew the Natural Minor Permit to operate sawmill, wood processing facility in Brookville Borough, **Jefferson County**. The facility's major emission sources include Titusville steam boiler, Honeywell silo, Molders and saw, Drying kiln and miscellaneous natural gas usage. The emission of the pollutants from the facility is less than Title V threshold limits. Thus the facility is natural minor. The Titusville boiler is subject to 40 CFR Part 63, Subpart JJJJJ.

42-00184: Keystone Powdered Metal Co.—Lewis Run Plant (8 Hanley Drive, Lewis Run, PA 16738) on August 31, 2011, to operate a powdered metal part manufacturing facility in the Borough of Lewis Run, **McKean County**. The emissions of criteria pollutants from this facility remain below major source levels.

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

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

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

09-00028: FiberMark North America, Inc. (45 North 4th Street, Quakertown, PA 18951) On August 29, 2011, for operation of saturators, graphic art lines, and surface coating lines, as well as various clean-up operations and combustion units at their manufacturing plant, in Quakertown Borough, **Bucks County**. There are no control devices for sources operated at the facility. The facility is major for VOCs and HAPs emissions. Saturators and coaters located at the facility (Source ID 101, 102, 104, 105 and 303) are subject to the requirements of 40 CFR Part 63, Subpart JJJJ—National Emission Standards for HAPs: Paper and Other Web Coating. Graphic arts lines 1 and 2 located at the facility (Source ID 301 and 302) are subject to the requirements of 40 CFR Part 63, Subpart KK—National Emission Standards for HAPs in the Printing and Publishing Industry and 40 CFR Part 63, Subpart OOOO—National Emission Standards for HAPs: Printing, Coating, and Dyeing of Fabrics and Other Textiles. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 09-0028E, which allows for the increase the VOC content limit of coatings from 0.05 to 1.81 pound of VOC per gallon of coating solids, as applied, and decrease the source VOC emission limit from 20 tons per year to 10 tons per year for existing Source ID 303: Surface Coater No. 1. There are no physical changes to the source equipment. The amendment also addresses the change of ownership from Fibermark, Inc. (Tax ID 82-0429330) to FiberMark North America, Inc. (Tax ID 54-1684641). The amendment also addresses an update in the responsible official contact from Andy Haug to Troy Hagenbuch. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00005: Merck Sharp & Dohme, Corp. (770 Sumneytown Pike, West Point, PA 19486-0004) on September 1, 2011, located in Upper Gwynedd Township, **Montgomery County**. This amendment is to correct typographical errors and remove the following from the Title V permit: Boiler 6 (Source 038), FujiFilm plate maker, Fluids Manufacturing Department 110, and the Pharmaceutical Tablet Printer (all from Source 378), emergency generators 35-1 and 62-1 (both from Source 746), and two VOC control devices, OX2 (Source C100) and the Carbon Adsorption Unit (Source C002). This amendment also corrects several typographical errors and the removal of AOS-3 as the associated control devices have been removed. The facility will continue to operate under its Title V operating permit, including its Alternative Operating Scenarios (AOS) for no, and low, VOC batch content. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00173: P & R Industries, Inc. (d/b/a Arbonite) (3826 Old Easton Rd, Doylestown PA 18902) on September 1, 2011, the State-only Operating Permit has been modified to lower the operating temperature of the combustion chamber of the afterburner after demonstrating, through stack testing, that the destruction efficiency is greater than 99%. The modified State-only Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

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

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

06-05009: New Enterprise Stone & Lime Company, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) on August 22, 2011, for the stone crushing and batch asphalt production facility located in Maxatawny Township, **Berks County**. The State-only permit was administratively amended to reflect a change of ownership.

22-05035: New Enterprise Stone & Lime Company, Inc. (PO Box 177, Winfield, PA 17889-0177) on July 25, 2011 for the Elizabethville Quarry located in Washington Township, **Dauphin County**. The State-only permit was administratively amended due to a change in ownership.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

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

46-00079: United States Navy—Naval Air Station Joint Reserve Base (Easton Road and Rt. 611, Willow Grove, PA 19090) on August 30, 2011, for operation of a national security facility in Horsham Township, **Montgomery County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 396.1—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 Applications Returned

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

11773037 and NPDES No. PA0069159. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving stream(s): unnamed tributaries to/and Little Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 9, 2010. Application returned: September 1, 2011.

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

04070104 and NPDES Permit No. PA0251291. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Withdrawal of a transfer application permitted to Mashuda Corp. for an existing bituminous surface mine, located in Franklin and Perry Townships, **Beaver and Lawrence Counties**, affecting 103.8 acres. Receiving streams: unnamed tributaries to Slippery Rock Creek. Transfer application received: February 7, 2011. Application withdrawn: August 30, 2011.

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

14050101 and NPDES No. PA0256242. CMT Energy, Inc. (108 South Twigg St, Box 23, Smoke Run, PA 16681). Permit renewal of an existing bituminous surface mine located in Rush Township, **Centre County** affecting 28.1 acres. Receiving streams: Wolf Run classified for cold water fishery and unnamed tributaries to Moshannon Creek classified for high quality cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 5, 2011. Application returned: September 1, 2011.

Coal Permits Actions

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

32031301 and NPDES No. PA 0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA

16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit to add surface acreage to install a sludge disposal borehole and associated pipeline. Surface Acres Proposed 4.2. No additional discharges. The application was considered administratively complete on February 28, 2011. Application received: November 22, 2011. Permit issued: August 31, 2011.

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

56900113 and NPDES No. PA0598992. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 99.5 acres. Receiving stream(s): unnamed tributaries to/and Hays Run; unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2011. Permit issued: August 29, 2011.

56090111 and NPDES No. PA0262871. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 233.6 acres. Receiving stream(s): unnamed tributaries to/and Wells Creek, Stonycreek River classified for the following use(s): cold water fishery. The permit also authorizes 3 Chapter 105 stream encroachments for the purpose of installing support facilities within fifty feet of two unnamed tributaries and to install and maintain a stream crossing on an unnamed tributary. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority. Application received: September 25, 2009. Permit issued: August 30, 2011.

56090111 and NPDES No. PA0262871 and General Permit No. GP-12-56090111, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Quemahoning and Somerset Townships, **Somerset County**, affecting 135.7 acres. Receiving stream(s): unnamed tributary to/and Wells Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2010. Permit issued: August 30, 2011.

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

17000107 and NPDES No. PA0242951. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Transfer of an existing bituminous surface mine from Shud's Coal Hounds, Inc. located in Woodward and Bigler Townships, **Clearfield County** affecting 167.8 acres. Receiving streams: unnamed tributaries to Upper Morgan Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: May 25, 2011. Permit issued: August 23, 2011.

Noncoal Permits Actions

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

42110301. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) Commencement, operation and restoration of a large industrial minerals mine in Ceres Township & Shinglehouse Borough, **McKean & Potter Counties** affecting 74.8 acres. Receiving streams:

Raub Hollow & Horse Run. Application received: April 1, 2011. Permit Issued: August 25, 2011.

42110301-GP-104. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) General NPDES Permit for stormwater discharges associated with mining activity on Surface Mining Permit No. 42110301 in Ceres Township & Shinglehouse Borough, **McKean & Potter Counties**. Application received: April 1, 2011. Permit Issued: August 25, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

42114004. Seneca Resources Corporation (51 Zents Boulevard, Brookville, PA 15825) Blasting activity permit for stone removal in Mt. Jewett Borough & Hamlin Township, **McKean County**. This blasting activity permit will expire on July 1, 2012. Permit Issued: August 29, 2011.

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

08114129. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Wilmot Township, **Bradford County**. Permit issued: August 23, 2011. Permit expires: February 28, 2012.

08114130. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Burlington Township, **Bradford County**. Permit issued: August 26, 2011. Permit expires: February 28, 2012.

08114131. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Ulster Township, **Bradford County**. Permit issued: September 2, 2011. Permit expires: June 1, 2012.

59114106. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Construction blasting for a pipeline located in Covington Township, **Tioga County**. Permit issued: August 26, 2011. Permit expires: August 23, 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E01-299: Pa. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, Pennsylvania 17103, in Menallen Township, **Adams County**, ACOE Baltimore District, State College Field Office

To: 1) remove the existing structure, 2) construct and maintain a 36.0-foot, 6.5-inch-long, 22.0-foot wide x 7.0-foot, 6.0-inch high, 1.0-foot depressed with baffles, reinforced concrete box culvert in Quaker Run (TSF, MF) with depressed concrete aprons extending 12.0 feet upstream and 12.0 feet downstream, and depressed rock aprons extending an additional 5.0 feet upstream and 5.0 feet downstream, 3) relocate and maintain approximately 65.0 feet of an unnamed tributary to Quaker Run (TSF, MF), and 4) place and maintain fill in 0.02 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0034 (Carlisle Road) in Menallen Township, Adams County (Biglerville, PA Quadrangle; N: 9.2 inches, W: 7.1 inches; Latitude: 39°57'33", Longitude: -77°15'7"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

E07-428: Logan Township, 800 39th Street, Altoona, Pennsylvania 16602, in Logan Township, **Blair County**, ACOE Baltimore District, State College Field Office

To restore and maintain approximately 3,000.0 feet of Mill Run including the construction and maintenance of 18 cross rock vanes, 240.0-feet of rock riprap protection, and conduct bank grading of Mill Run (WWF) located at a point starting from the downstream area of the Allegheny Reservoir and continuing downstream for approximately 3,000.0 feet (Altoona, PA Quadrangle from N: 1.48 inches, W: 8.72 inches; Latitude: 40°30'29", Longitude: -78°26'16" to N: 0.65 inches, W: 7.5 inches; Latitude: 40°30'13", Longitude: -78°25'44") in Logan Township, Blair County, all for the purpose of stabilizing eroding streambanks.

E28-367: Pa. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, Pennsylvania 17103, in Southampton Township, **Franklin County**, ACOE Baltimore District, State College Field Office

To: 1) remove the existing structure, 2) construct and maintain a two-span pre-stressed concrete adjacent box beam bridge skewed 82°30'00", having two clear spans of 93.0 feet each, a width of 37.375 feet, and an underclearance of 6.98 feet across Muddy Run (WWF, MF), 3) relocate and maintain approximately 281.0 feet of an unnamed tributary to Muddy Run (WWF, MF) underneath the proposed bridge, 4) temporarily impact 0.07 acre of PEM wetland, and 5) place and maintain fill in 0.02 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0533 (Orrstown Road) in Southampton Township, Franklin County (Shippensburg, PA Quadrangle; N: 11.5 inches, W: 12.6 inches; Latitude: 40°03'48", Longitude: -77°35'25"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

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

E17-468. Paris Companies, Inc., P. O. Box 1043, DuBois, PA 15801. Parking Area Expansion, City of DuBois, **Clearfield County**, ACOE Pittsburgh District (Luthersburg, PA Quadrangle: Latitude 41° 07' 12.58", Longitude: 78° 44' 47.02").

The applicant plans to expand their Tom Mix Drive parking lot to the west to accommodate one additional double-row of employee parking spaces by placing and maintaining fill in a wetland within the Sandy Lick Creek watershed. As approved, the project shall include, but not be limited to, permanently filling 0.18 acre of palustrine emergent wetland (PEM) that abuts the existing parking area and extends west into the neighboring property. Paris expects the new parking spaces will be required for the increased workforce following the company's expansion. The project will also enlarge the retention basin to accommodate additional stormwater generated from the new impervious areas. Prior to commencing the wetland encroachment, the applicant shall make a \$1,000 contribution to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project.

ENVIRONMENTAL ASSESSMENTS

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

EA67-018: Brad Pealer (Dogwood Run Restoration), 90 Spring Lane Road, Dillsburg, Pennsylvania 17019, in Carroll Township, **York County**, ACOE Baltimore District

To install a channel block and remove approximately 200 linear feet of gravel bar material in Dogwood Run (CWF, MF) for the purpose of restoring Dogwood Run back to its historic channel, located approximately 200

linear feet northeast of the intersection of Spring Lane Road and State Route 74 in Carroll Township, York County (Latitude: 40°08'09"; Longitude: -77°02'14").

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D46-347EA. PA DCNR Bureau of State Parks—Region 4, Perkasie, PA 18944, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Norristown Farm Park Dam across Stony Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 feet of stream channel. The dam is located approximately 4500 feet east of the intersection of N. Whitehall Road (SR3006) and Sterigere Street (Lansdale, PA Quadrangle; Latitude: 40° 08' 18", Longitude: -75° 20' 49").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701

ESCP # ESCP 0811803

Applicant Name Central New York Oil & Gas Co

Contact Person Dave Smith

Address 800 Robinson Rd

City, State, Zip Owego, NY 13827

County Bradford

Township(s) Wyalusing Township

Receiving Stream(s) and Classification(s) Wyalusing

Creek CWF, MF

ESCP # ESCP 1811801

Applicant Name Dominion Transmission

Contact Person

Address 1875 Grange Road

City, State, Zip Charleroi, PA 15022

County Clinton

Township(s) Leidy Township

Receiving Stream(s) and Classification(s) Kettle Creek EV

- ESCGP-1 # ESX11-115-0059
 Applicant Name Marcellus Midstream Energy LLC
 Contact Person Kevin Marion
 Address 1212 S Abington Rd
 City, State, Zip Clarks Summit, PA 18411
 County Susquehanna & Wyoming
 Township(s) Bridgewater, Dimock, Jessup, Lemon, Springville, Washington Twps.
 Receiving Stream(s) and Classification(s) S. Br Wyalusing Cr (WWF,MF); Elk Lake Stream, W Cr, W Br Meshoppen Cr, Meshoppen Cr (CWF, MF)
- ESCGP-1 # ESX11-131-0018(01)
 Applicant Name Citrus Energy Crop
 Contact Person Kyle Johns
 Address 2600 Network Blvd, Ste 400
 City, State, Zip Frisco, TX 75034
 County Wyoming
 Township(s) Meshoppen & Washington Twps.
 Receiving Stream(s) and Classification(s) UNT to Susquehanna R (CWF, MF)
- ESCGP-1 # ESX11-115-0105
 Applicant Name Williams Field Services Company, LLC
 Contact Person Frank Canneto
 Address 1605 Coraopolis Heights Rd
 City, State, Zip Moon Twp, PA 15108
 County Susquehanna
 Township(s) Lenox Twp.
 Receiving Stream(s) and Classification(s) Trib of Tower Br Cr / Tunkhannock Cr Watershed
- ESCGP-1 # ESX11-117-0099
 Applicant Name SWEPI LP
 Contact Person James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Chatham Twp.
 Receiving Stream(s) and Classification(s) UNT to Losey Cr—Susquehanna R Basin—Tioga R (WWF); Losey Cr, Crooked Cr
- ESCGP-1 # ESX11-115-0087
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address Five Penn Center W, Ste 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna
 Township(s) Harford Twp.
 Receiving Stream(s) and Classification(s) UNT to Butler Cr (CWF)
- ESCGP-1 # ESX11-081-0089
 Applicant Name Anadarko E&P Co LP
 Contact Person Nathan Bennett
 Address 33 W 3rd St
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) McHenry Twp.
 Receiving Stream(s) and Classification(s) Browns Run, Campbell Run (HQ, EV)
- ESCGP-1 # ESX11-081-0087
 Applicant Name Seneca Resources Corp
 Contact Person Michael Clinger
 Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15825
 County Lycoming
 Township(s) Lewis Twp.
 Receiving Stream(s) and Classification(s) Hagerman Run, Lycoming Cr (EV)
- ESCGP-1 # ESX11-115-0081
 Applicant Name Laser Northeast Gathering
 Contact Person Kevin Marion
 Address 1212 S Abington Rd
 City, State, Zip Clarks Summit, PA 18411
 County Susquehanna
 Township(s) Liberty Twp.
 Receiving Stream(s) and Classification(s) Snake Cr (CWF)
- ESCGP-1 # ESX11-115-0063
 Applicant Name Appalachia Midstream Serv LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Rush Twp.
 Receiving Stream(s) and Classification(s) UNT to Deer Lick Cr, Deer Lick Cr, UNT to Elk Lake Stream, Elk Lake Stream, Wysox-Wyalusing Cr Watersheds, E Br Wyalusing Cr (CWF)
- ESCGP-1 # ESX11-035-0003(02)
 Applicant Name Mountain Gathering LLC
 Contact Person Dewey Chalos
 Address 810 Houston St
 City, State, Zip Fort Worth, TX 76102-6298
 County Clinton
 Township(s) Chapman Twp.
 Receiving Stream(s) and Classification(s) UNT to Dry Run & Dry Run, UNT to W Br Susquehanna R—HQ
- ESCGP-1 # ESX11-131-0024
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Rd Ext, Ste 210
 City, State, Zip Wexford, PA 15090
 County Wyoming
 Township(s) Lemon Twp.
 Receiving Stream(s) and Classification(s) Oxbow Cr, Billings Mill Br, Tunkhannock Cr (CWF)
- ESCGP-1 # ESX11-081-0081
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Dr, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Penn Twp.
 Receiving Stream(s) and Classification(s) Beaver Run, UNT Beaver Run, Muncy Cr, UNT Muncy Cr (HQ)
- ESCGP-1 # ESX11-081-0078
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Dr, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Penn Twp.
 Receiving Stream(s) and Classification(s) Sugar Run, Unt to Sugar Run, Big Run, UNT to Big Run
- ESCGP-1 # ESX11-081-0079
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Dr, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Penn Twp.
 Receiving Stream(s) and Classification(s) Sugar Run, Unt to Sugar Run, Big Run, UNT to Big Run
- ESCGP-1 # ESX11-081-0082
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Dr, Ste 200
 City, State, Zip Warrendale, PA 15086

County Lycoming
Township(s) Penn Twp.
Receiving Stream(s) and Classification(s) Sugar Run,
UNT to Sugar Run

ESCGP-1 # ESX11-115-0057
Applicant Name Southwestern Energy Production Co.
Contact Person Dave Sweeley
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) New Milford Twp.
Receiving Stream(s) and Classification(s) Meylert Cr (HQ-
CWF); Martins Cr (CWF), Tunkhannock Cr (TSF), Salt
Like Cr (HQ-CWF)

ESCGP-1 # ESX11-115-0084
Applicant Name Southwestern Energy Production Co.
Contact Person Dave Sweeley
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) Lennox Twp.
Receiving Stream(s) and Classification(s) UNTs to E Br of
Tunkhannock Cr (CWF)

ESCGP-1 # ESG11-015-0151
Applicant Name Chief Gathering, LLC
Contact Person Ted Wurfel
Address 6051 Wallace Rd, Ste 210
City, State, Zip Wexford, PA 15090
County Bradford
Township(s) Burlington & Towanda Twps.
Receiving Stream(s) and Classification(s) UNT to Bailey
Run, UNT to French Run (CWF, MF)

ESCGP-1 # ESX11-015-0169
Applicant Name Talisman Energy USA, Inc
Contact Person Tracy Gregory
Address 337 Daniel Zenker Dr
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia & Wells Twps.
Receiving Stream(s) and Classification(s) UNTs to Wolfe
Hollow Cr (TSF, MF); UNTs to South Cr (CWF-MF)

ESCGP-1 # ESX11-081-0041 (01)
Applicant Name Anadarko E&P Company, LP
Contact Person Nathan Bennett
Address 33 W. 3rd Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) McHenry Township
Receiving Stream(s) and Classification(s) Pine Creek,
Trout Run and Lick Run, all (HQ,-CWF, MF);
Secondary: Miller Run; First Big Fork; Robbins Run

ESCGP-1 # ESX11-115-0103
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Parkway E., Suite 125
City, State, Zip Houston, TX 77032
County Susquehanna County
Township(s) Clifford and Lenox Townships
Receiving Stream(s) and Classification(s) Tunkhannock
Creek and UNT to Tunkhannock Creek (CWF, MF)

ESCGP-1 # ESX11-115-0095
Applicant Name Williams Field Services Company, LLC
Contact Person Clayton Roesler
Address 1605 Coraopolis Heights Road
City, State, Zip Coraopolis, PA 15108-4310
County Susquehanna County
Township(s) Dimock Township
Receiving Stream(s) and Classification(s) White Creek

ESCGP-1 # ESX11-081-0090
Applicant Name Anadarko E&P Company, LP
Contact Person Nathan Bennett
Address 33 W. 3rd Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) UNT Wolf Run,
Big Sandy Run, (HQ)

ESCGP-1 # ESX11-081-0088
Applicant Name Anadarko E&P Company, LP
Contact Person Nathan Bennett
Address 33 W. 3rd Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Watson Township
Receiving Stream(s) and Classification(s) North Fork
Tombs Run;
Secondary Water: Tombs Run, both (HQ- CWF, MF)

*Northwest Region: Oil and Gas Program Manager 230
Chestnut St. Meadville, PA 16335*

ESCGP-1 #ESX10-083-0033 Warrant 4871 Phase 4&5
Applicant US Energy Development Corp
Contact Charles Lang
Address 2350 North Forest Road
City Getzville State NY Zip Code 14068
County Mckean Township(s) Corydon(s)
Receiving Stream(s) and Classification(s) Coon Run and
Yeager Brook HQ-CWF

ESCGP-1 #ESX11-019-0081-Merten Unit 1H and 2H
Applicant XTO Energy, Inc.
Contact Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Forward and Adams
Receiving Stream(s) and Classification(s) UNT of Break-
neck Creek—WWF, Breakneck Creek—WWF—Second-
ary Water Connoquenessing Creek—WWF

ESCGP-1 #ESX11-019-0065A—Plesniak A Well Pad &
Impoundment—Major Modification
Applicant Rex Energy Operating Corporation
Contact Russell Macaw
Address 476 Rolling Ridge Drive, Suite 300
City State College State PA Zip Code 16801
County Butler Township(s) Lancaster(s)
Receiving Stream(s) and Classification(s) UNT to Yellow
Creek—CWF, Yellow Creek—other

ESCGP-1 #ESX11-019-0078—Hindman 3H
Applicant Chevron Appalachia, LLC
Contact Jeremy Hirtz
Address 800 Mountain View Drive
City Smithfield State PA Zip Code 15748
County Butler Township(s) Washington(s)
Receiving Stream(s) and Classification(s) UNT to Bear
Creek—CWF, UNT to Silver Creek—HQ/CWF, Alle-
gheny River Watershed, Bear Creek—CWF

ESCGP-1 #ESX11-047-0028—Owls Nest Prospect
Applicant Seneca Resources Corporation
Contact Mike Clinger
Address 51 Zents Boulevard
City Brookville State PA Zip Code 15825
County Elk Township(s) Highland(s)
Receiving Stream(s) and Classification(s) Red Lick Run
and Big Run—HQ, Bear Creek and Spring Creek

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-46-005	Haines & Kibblehouse, Inc. 2052 Lucon Road Skippack, PA 19474 Attn: Andrew Curtis	Montgomery	Skippack Township	1 AST storing diesel fuel	30,000 gallons

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2011 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Alton Accredited Air Radon Systems	4885 McKnight Road Pittsburgh, PA 15237	Mitigation
Ronald Black	P. O. Box 20323 Lehigh Valley, PA 18002	Testing
Anthony Carrozza, Jr.	369 Nottingham, Road Quarryville, PA 17566	Testing
George Curry	505 Philmar Court Unit "B" Springfield, PA 19064	Mitigation
Richard Delaney	275 Pioneer Road Franklin, PA 18323	Testing
Tony Domingues	5477 Reppert Lane Allentown, PA 18106	Testing
Peter Farrell	2701 Brunner Road Emmaus, PA 18049	Testing
Harlan Glebe	P. O. Box 1245 Blue Bell, PA 19422	Testing
Joseph Hancaviz	P. O. Box 354 Nazareth, PA 18064	Testing
Ross Hartley	115 Hospital Road Gettysburg, PA 17325	Testing
Eric Hunt Accredited Radon Removal	P. O. Box 186 Collegetown, PA 19426	Mitigation
Brian Kampi	2175 Ridge Drive Mars, PA 16046	Testing
Kevin Kerr	363 Hill Road Honey Brook, PA 19344	Testing
Anthony LaMastra A.B.E. Radiation Measure- ments Laboratory	1005 Old 22 Lenhartsville, PA 19534	Testing & Laboratory Analysis
Stephen Maurer	3633 Buttonwood Drive Doylestown, PA 18902	Testing
Robert Meyer, Jr. Central Penn Radon, Inc.	247 Mine Bank Road Wellsville, PA 17365	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Lawrence Nies	11021 May Road Wattsburg, PA 16442	Testing
Rachelle Painter	4821 Havana Drive Pittsburgh, PA 15239	Testing
Dominick Peda	40 North Featherling Road Media, PA 19063	Testing
Lynne Russell	80 Cedar Ridge Hawley, PA 18478	Testing
Martin Smith U.S. Inspect, LLC	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Laboratory Analysis
Timothy Vogt	15755 US Highway 6 & 19 Meadville, Pa 16335	Testing
Timothy Vogt Vogt Heating & Cooling, Inc.	15755 US Highway 6 & 19 Meadville, Pa 16335	Mitigation
William Wright, IV	768 State Route 307 Suite 101 Spring Brook, PA 18444	Testing

DRINKING WATER STATE REVOLVING FUND

Special Notice Under the federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f, et. seq.)

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Bradford Township	2289 Barrett Road, Suite B, Woodland, PA 16881	Clearfield

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Bradford Township propose to extend 17,000 linear feet of 8" ductile iron pipe to 65 residences along Shiloh Road and 5,200 feet of 6" ductile iron pipe to 8 residences along Houser Road. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 11-1606. Filed for public inspection September 16, 2011, 9:00 a.m.]

Bid Opportunity

OSM 16(0982)101.1, Abandoned Mine Land Reclamation Project, Clarion High School West, Clarion Township, Clarion County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; grading 183,000 cubic yards; clearing and grubbing; ditch excavation 120 cubic yards; high velocity erosion control blanket 470 square yards and seeding 19 acres. This bid issues September 16, 2011, and bids will be opened on October 18, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1607. Filed for public inspection September 16, 2011, 9:00 a.m.]

Bid Opportunity

OSM 16(6080)101.1, Abandoned Mine Reclamation Project, Miola West, Highland Township, Clarion County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; grading 100,000 cubic yards; clearing and grubbing; tree planting 7,275; and seeding 14.5 acres. This bid issues September 16, 2011, and bids will be opened on October 13, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1608. Filed for public inspection September 16, 2011, 9:00 a.m.]

Bid Opportunity

OSM 26(0430)101.1, Abandoned Mine Reclamation Project, Normalville South, Springfield Township, Fayette County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; subsurface drain 730 cubic yards; slide stabilization; guide rail 200 linear feet; and seeding. This bid issues September 16, 2011, and bids will be opened on October 18, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1609. Filed for public inspection September 16, 2011, 9:00 a.m.]

Extension of the Current Pennsylvania National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending the availability of PAG-13, the current National Pollutant Discharge Elimination System general permit for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s). The current PAG-13 permit was last extended for 6 months at 40 Pa.B. 7159 (December 11, 2010) and is scheduled to expire at midnight on June 9, 2012. This extension will be effective on June 10, 2012, and will expire at midnight on March 15, 2013.

The Department is extending the availability of this permit to provide additional time for the United States Environmental Protection Agency Region III Office and the Department to undertake municipal outreach on the revised permit and to provide municipalities time to prepare their renewal permit applications and supporting information. By this notice, the Department also is extending all existing PAG-13 permit approvals, waivers from permit application requirements and exemptions from the MS4 operator designation, which may also be scheduled to expire. Existing operators of regulated small MS4s who are operating under the current PAG-13 are authorized to continue to discharge stormwater in accordance with the terms and conditions of that permit. Included in this extension is the requirement to continue implementation of the existing program and to provide annual reports on the progress of program implementation.

Permittees covered by an individual permit shall continue to implement the requirements of their permit and shall request a renewal of coverage based on the expiration date and terms and condition of their permit.

The existing PAG-13 permit documents will continue to be available from the Department's regional offices until

they are replaced or updated. In addition, the permit documents are on file at the Department's Bureau of Watershed Management, Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101. This package also is available on the DEP's web site at www.depweb.state.pa.us (DEP Keyword: Stormwater).

The permit documents also can be obtained by calling (717) 772-5807. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1610. Filed for public inspection September 16, 2011, 9:00 a.m.]

Extension of Pennsylvania National Pollutant Discharge Elimination System Concentrated Animal Feeding Operations General Permit (PAG-12)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for an additional 18 months the availability of the current National Pollutant Discharge Elimination System General Permit (PAG-12) for Concentrated Animal Feeding Operations (CAFOs). The current PAG-12 permit is scheduled to expire at midnight on September 30, 2011. This 18-month extension will be effective on October 1, 2011, and will expire at midnight on March 31, 2013.

The Department is extending the availability of this permit to provide additional time for the United States Environmental Protection Agency Region III office and the Department to complete coordination on the renewal of PAG-12, to provide the Department time to revise the permit application and supporting materials and to provide time for outreach to permittees and the regulated community. By this notice, the Department also is extending all existing PAG-12 permit approvals. Existing operators of regulated CAFOs who are using the general permit are authorized to continue to operate in accordance with the terms and conditions of the general permit. Included in this extension is the requirement on the part of the Department to continue implementation of the existing program and of the permittees to provide the required notifications to municipalities and reports to the Department.

Permittees covered by an individual permit shall continue to implement the requirements of their permit and shall request a renewal of coverage based on the expiration date and terms and conditions of their permit.

The existing PAG-12 permit documents will continue to be available from the Department's regional offices until they are replaced or updated. In addition, the permit documents are on file at the Department's Bureau of Watershed Management, Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101. This package also is available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: PAG-12).

The permit documents can also be obtained by contacting Penda Powell at pepowell@pa.gov or (717) 772-5807. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1611. Filed for public inspection September 16, 2011, 9:00 a.m.]

Renewal of Pennsylvania National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, announcing the renewal of Pollutant Discharge Elimination System General Permit (PAG-13) (issued in 2003), the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), for another 5 years. The current PAG-13 permit was extended by a separate notice in this issue of the *Pennsylvania Bulletin* and is scheduled to expire at midnight on June 11, 2013. See 41 Pa.B. 5041 (September 17, 2011). The term of the renewal PAG-13 is from March 16, 2013, and continues for 5 years to midnight on March 15, 2018.

A summary of the revisions to PAG-13 are as follows: the title of the protocol has been changed to the stormwater management program; field inspection of outfalls has been modified; inspection of outfalls for renewal permittees has been changed to once within the permit term for areas where there are no reports of problems and no outfalls with dry weather flows; a requirement for preparation of an MS4 Total Maximum Daily Load (TMDL) Plan by permittees with regulated small MS4s that discharge to impaired waters with an applicable Waste Load Allocation in an approved TMDL; and preparation of a Chesapeake Bay Pollutant Reduction Plan for permittees with regulated small MS4s that are located in and discharge to receiving watersheds that drain to the Chesapeake Bay. The Department is also increasing the filing fee for PAG-13 from \$100 to \$500, payable to the Commonwealth of Pennsylvania Clean Water Fund.

To renew PAG-13, Federal regulations require that complete and acceptable Notices of Intent (NOI) be submitted to the Department not later than September 14, 2012, a minimum of 180 days prior to the expiration date of the current PAG-13, March 15, 2013.

The permit materials include the following documents: (1) a cover sheet and table of contents; (2) a short fact sheet; (3) the NOI instructions; (4) the NOI; (5) the NOI checklist; (6) the Department's Approval of Coverage; (7) the Authorization to Discharge (the PAG-13 permit); (8) the preapproved Stormwater Management Program; (9) the Request for Waiver Instructions; (10) the Request for Waiver; (11) the Stormwater Management Ordinance Checklists; (12) stormwater management ordinances; and (13) a detailed fact sheet.

PAG-13 can be used by all eligible operators of regulated small MS4s to comply with the Federal Phase II stormwater regulations (see 64 FR 68722 (December 8, 1999) and 40 CFR 122-26—123.35), which are incorporated by reference into 25 Pa. Code § 92a.3 (relating to incorporation of Federal regulations by reference). Additional information about these Federal permit requirements is available on the United States Environmental Protection Agency web site: http://cfpub1.epa.gov/npdes/home.cfm?program_id=6.

Eligibility requirements for using PAG-13 are described in the permit documents. An important limitation on eligibility is that PAG-13 is not available for discharges into water bodies classified as Exceptional Value or High Quality under 25 Pa. Code Chapter 93 (relating to water quality standards). An "individual permit" will be required for discharges to those categories of water bodies.

The renewal PAG-13 permit is available by contacting the Department's Bureau of Watershed Management, Rachel Carson State Office Building, P.O. Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 787-6827, ra-epwater@state.pa.us. The renewal PAG-13 permit also is available on the Department's web site at www.depweb.state.pa.us (In the left-hand column, click on "Water," then click on "Watershed Management." Next, in the right-hand column click on "Stormwater Management," then scroll down and click on "NPDES MS4 Permit (PAG-13)."

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1612. Filed for public inspection September 16, 2011, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators Rescheduled Meeting

The State Board for Certification of Water and Wastewater Systems Operators meeting scheduled for Friday, December 2, 2011, was rescheduled for Tuesday, December 13, 2011, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the meeting can be directed to Cheri Sansoni at (717) 772-5158 or csansoni@pa.gov. The agenda and meeting material for the previously listed meeting date will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1613. Filed for public inspection September 16, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Crawford County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Mercer Pike Bridge which carries SR 2003 over the Conneaut Creek outlet in Crawford County. The project will require the use of the Mercer Pike Bridge which is eligible for the National Register of Historic Places and therefore qualifies as a Section 4(f)/Section 2002 resource. The project will also require a De Minimis use of approximately 0.5 acre of State Game Lands No. 213 which also qualifies as a Section 4(f)/Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land document and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges document to evaluate the potential environmental impacts caused by the subject project. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE and the Section 4(f) documents.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-1614. Filed for public inspection September 16, 2011, 9:00 a.m.]

Finding Philadelphia County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning a project to reconstruct portions of SR 0095, Sections BRI and BSR in the City of Philadelphia in Philadelphia County. The project area includes the Betsy

Ross Interchange and Interstate 95 from Wheatsheaf Lane to Bridge Street in the City of Philadelphia.

Section BRI extends from the northern limit of the structure over Wheatsheaf Lane to the southern limit of the structure over Bridge Street. The approximate mainline construction length is 6,995 feet. The mainline will be widened to carry four lanes in each direction and eliminate the Collector/Distributor roadway on each side of the mainline. Included within the project area is the reconstruction/rehabilitation of the interchange with the Betsy Ross Bridge, including two new ramps from Aramingo Avenue to the Betsy Ross Bridge. Section BRI consists of 19 bridge structures as either new, replacement or rehabilitation; 5 bridge structures for removal; 1 combination sewer relocation for the Philadelphia Water Department; 4 retaining walls for removal and replacement; 1 retaining wall for removal; and sound walls along the eastern side of I-95 for removal and replacement.

Section BSR is to eliminate the southbound lane drop at the James Street Ramp, eliminate the northbound add lane at Bridge Street and widen I-95 to four lanes in each direction from Orthodox Street to Levick Street. Exclusive acceleration/deceleration lanes will be added at the interchanges. Six dual, mainline bridges and one-ramp bridge will be replaced and one mainline structure will be widened. Long retaining walls will line I-95 through much of this section and two sound barriers will be constructed.

The proposed project will impact the National Registered Henry Longfellow School and the 1967-1968 steel through-girder bridge carrying the Pennsylvania Railroad-Philadelphia to Southern New Jersey over SR 0095 (a noncontributing element to the Pennsylvania Railroad-Philadelphia to New Jersey Line). Other resources in the project area include the National Register listed Frankford Arsenal and the East Coast Greenway. No Use of the Frankford Arsenal or the East Coast Greenway are anticipated to occur as part of the project. The project impacts resulted in an Adverse Effect determination.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level 2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with an Individual Section 4(f) Evaluation document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level 2 CEE Reevaluation and Individual Section 4(f) Evaluation.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-1615. Filed for public inspection September 16, 2011, 9:00 a.m.]

Finding
Philadelphia County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning a project known as SR 0095, Section GR1 in the City of Philadelphia, Philadelphia County. The project will relocate or reconstruct most of Richmond Street. Richmond Street will be relocated approximately 60 to 70 feet east, (measured from existing eastern most curbline to proposed eastern most curbline). Girard Avenue will also be reconstructed between Fletcher Street and Richmond Street. The project will include reconstruction of the Girard Avenue Bridge over northbound Aramingo Avenue, replacement of the four bridges carrying Conrail over relocated Richmond Street and construction of new retaining walls along Richmond Street.

Richmond Street will be reprofiled underneath the Conrail bridges to provide 14 feet, 6 inches under clearances to accommodate truck traffic under these structures. Associated detour route improvements will also be made such as temporary intersection improvements and signal retimings. This section also includes the SEPTA Route 15 Trolley relocation and associated catenary work and relocation of Conrail's Belt and Loop Lines. Pedestrian and bicycle facilities are present along Richmond Street. The pedestrian and bicycle facilities will be expanded under this project to include wider sidewalks and bike lanes. Appropriate pedestrian access will be provided by signalized crossings, refuge medians, signing, hand/man signals and visible pavement markings.

The project will also include the installation of Intelligent Transportation Systems devices such as dynamic message signs and closed circuit television cameras along the mainline and associated arterials between Broad Street and the Betsy Ross Bridge. Additionally, fiber connecting to the DVRPC infrastructure at the Commodore Barry Bridge will also be installed.

The proposed project will impact two contributing resources to the National Register Eligible Fishtown Historic District. The Section 4(f) resources that will be impacted by the proposed project are the I.P. Morris Co. Machine Shop 2 and the Standard Feather Company. The impacts described in the Section 4(f) Evaluation involve the acquisition and demolition of both Section 4(f) Resources. The project impacts resulted in an Adverse Effect determination.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level 2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with an Individual Section 4(f) Evaluation document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level 2 CEE Reevaluation and Individual Section 4(f) Evaluation.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent

alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-1616. Filed for public inspection September 16, 2011, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Pen Argyl Municipal Authority v. DEP; EHB Doc. No. 2011-129-C

Pen Argyl Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES Permit to Pen Argyl Municipal Authority's facility, located in Pen Argyl Borough, Northampton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 11-1617. Filed for public inspection September 16, 2011, 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 21, 2011, 10 a.m. Data Systems Committee and 1 p.m. Payment Data Advisory Group; Thursday, September 22, 2011, 10 a.m. Council Meeting.

The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability who wish to attend the meetings 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. 11-1618. Filed for public inspection September 16, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, www.irrc.state.pa.us.

Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
126-1	Philadelphia Parking Authority Philadelphia Taxicab and Limousine Regulations	8/31/11	10/6/11
18-422	Department of Transportation Odometer Reading Disclosure Statements	9/1/11	10/6/11

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1619. Filed for public inspection September 16, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Medical Liability Agency under Act 143; Medical Protective Company; Doc. No. AT11-08-019

A prereview telephone conference initiated by this office is scheduled for November 1, 2011, at 10 a.m. A date for the review of the agency contract termination is scheduled for November 15, 2011, at 9 a.m.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 30, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 14, 2011.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review, contact Donna R. Fleischauer, Human Resources Director at (717) 705-3873.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1620. Filed for public inspection September 16, 2011, 9:00 a.m.]

Allstate Property and Casualty Insurance Company; Private Passenger Automobile; Rate Revisions

On August 31, 2011, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 1.0% increase amounting to \$1,019,000 annually, to be effective January 5, 2012, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 30, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1621. Filed for public inspection September 16, 2011, 9:00 a.m.]

Application and Request for Approval to Redomesticate from Elizabethtown Insurance Company

Elizabethtown Insurance Company, a domestic stock property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Delaware. The initial filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company

Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1622. Filed for public inspection September 16, 2011, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Request for Approval to Increase Rates for the Special Care Program; Rate Filing

Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the monthly rates by 4.9% for the Blue Cross Special Care Program and to add a \$25 copay to diagnostic services effective January 1, 2012. The estimated additional revenue generated from this rate increase is \$300,000 and requires a contribution from company surplus of approximately \$7,100,000. The projected average number of members per month during the January 1, 2012, through December 31, 2012, period is approximately 6,500 members.

Unless formal administrative action is taken prior to December 1, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1623. Filed for public inspection September 16, 2011, 9:00 a.m.]

Capital BlueCross and Capital Advantage Insurance Company No. 11-41; Request for Approval to Increase Rates for the Individual Direct Pay Special Care Basic Hospitalization and Medical-Surgical Plans; Rate Filing

Capital BlueCross and Capital Advantage Insurance Company are requesting a 4.5% increase. This will affect 2,702 contracts and generate an additional \$28,737 per month in premium. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to December 1, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1624. Filed for public inspection September 16, 2011, 9:00 a.m.]

Capital BlueCross and Capital Advantage Insurance Company; Traditional Non-Group Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Preferred Provider Program; Rate Filing

By filing 11-39, Capital BlueCross and Capital Advantage Insurance Company requested approval to adjust the premium rates for the Traditional Non-Group Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Preferred Provider Program. The overall requested rate increase is 19.8%. The proposed rate increase would affect approximately 360 contracts and would produce additional annual income of about \$1 million. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to December 1, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1625. Filed for public inspection September 16, 2011, 9:00 a.m.]

Donegal Mutual Insurance Company; Homeowners; Rate Revisions

On August 29, 2011, the Insurance Department (Department) received from Donegal Mutual Insurance Company a filing for rate level changes for homeowners insurance.

The company requests an overall 5.5% increase amounting to \$2,425,000 annually, to be effective November 1, 2011, for new business and December 1, 2011, for

renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 28, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1626. Filed for public inspection September 16, 2011, 9:00 a.m.]

Insurance Services Office, Inc.; Homeowners Loss Cost Revision; Rate Filing

On August 26, 2011, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for Homeowners insurance.

The advisory organization requests an overall 5.1% increase in loss costs effective March 1, 2012.

Unless formal administrative action is taken prior to October 25, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Bojan Zorkic, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, bzorkic@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1627. Filed for public inspection September 16, 2011, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harris-

burg and Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Mark Neetz; file no. 11-181-106003; Progressive Preferred Insurance Company; Doc. No. P11-08-016; October 18, 2011, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Hearing Conference Room, 4th Floor, 801 Market Street, Philadelphia, PA 19107.

Appeal of Robert C. Bolus; file no. 11-119-105782; Nationwide Affinity Insurance Company; Doc. No. P11-08-011; October 20, 2011, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1628. Filed for public inspection September 16, 2011, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will

be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Hearing Conference Room, 4th Floor, 801 Market Street, Philadelphia, PA 19107.

Appeal of State Farm Fire and Casualty Insurance Company; file no. 11-216-105048; Janie L. Haskins; Doc. No. P11-08-020; October 20, 2011, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1629. Filed for public inspection September 16, 2011, 9:00 a.m.]

Travelers Home and Marine Insurance Company; Homeowners; Rate Revision

On September 1, 2011, the Insurance Department (Department) received from Travelers Home and Marine Insurance Company a filing for a rate level change for homeowners insurance.

The Travelers Home and Marine Insurance Company requests an overall 8.04% increase amounting to \$8,602,070 annually, to be effective October 28, 2011, for new business and January 3, 2012, for renewal business. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 31, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1630. Filed for public inspection September 16, 2011, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M110.1—2012-13 Budget Instructions, Amended August 15, 2011.

Manual M210.3—Index of Issuances, Amended July 12, 2011.

Administrative Circular No. 11-12—2012-2013 Program Policy Guidelines, Agency Budget Requests, Dated August 11, 2011.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 11-1631. Filed for public inspection September 16, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 3, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2011-2256386. Richard Daum, Jr., t/a Daum Transport (3453 Fall Run Road, Wysox, Bradford County, PA 18854)—limited to persons who are wheelchair bound, from points in Bradford County, to points in Pennsylvania, and return.

A-2011-2258008. Kuhn Transportation, LLC (3 Adventure Lane, Jim Thorpe, Carbon County, PA 18229)—persons, in airport transfer service, from points in the

Counties of Carbon, Monroe, Lehigh, Northampton and Schuylkill to the following airports: Queen City and Lehigh Valley International located in the City of Allentown, Lehigh County; Slatington, located in the Borough of Slatington, Lehigh County; Wyoming Valley and Wilkes-Barre/Scranton, located in the City of Wilkes-Barre, Lackawanna County; Beltzville, located in the Township of Franklin, Carbon County; Jake Amer Memorial, located in the Township of Mahoning, Carbon County; Hazleton Municipal, located in the City of Hazleton, Luzerne County; Flying Dollar, located in the Borough of Canadensis, Monroe County, Stroudsburg-Pocono, located in the Borough of Mount Pocono, Monroe County; and Braden Airpark, located in the City of Easton, Northampton County.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-2011-2255111. Austin's A-1 Transportation Service, LLC (1005 Pontiac Drive, Drexel Hill, Delaware County, PA 19026)—a limited liability corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in the City and County of Philadelphia, and the Counties of Montgomery and Delaware, to any federal, state, or county correctional facility in Pennsylvania, and return, which is to be a transfer of all rights authorized under the certificate issued at A-00123697, F. 3, to Platinum Touch Transportation, LLC, subject to the same rights and limitations. *Attorney:* Anthony Richardson 1518 Walnut Street, Suite 1110, Philadelphia, PA 19102.

A-2011-2256963. Charles J. Spellman Ambulance Service, Inc. (100 Dille Street, Forty Fort, Luzerne County, PA 18704)—a corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in the Counties of Luzerne, Lackawanna, and Wyoming, to points in Pennsylvania, and return, which is to be a transfer of all rights authorized under the certificate issued at A-00117965 to Northeast Paramedic Services, Inc., subject to the same limitations and conditions.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2011-2254320. Star Express Transport, LLC, t/a Star Express Shuttle Service (110 Hunters Ridge Drive, Harrisburg, Dauphin County, PA 17110)—persons, in group and party service, in vehicles seating 11 to 15 passengers, from points in the Counties of Dauphin, Cumberland, Lancaster, York, Perry, Adams and Lebanon, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Malik & Singh Cab Co.;
Doc. No. C-2011-2131189; A-00110998

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 Malik & Singh Cab Co., Respondent, maintains a principal place of business at 6856 Marshall Road, 1st floor, Philadelphia, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on November 2, 1993, at A-00110998.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Malik & Singh Cab Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/23/11 _____

Michael E. Hoffman, Director
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this complaint. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this 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 this complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1632. Filed for public inspection September 16, 2011, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Public Meeting

The Pennsylvania Stimulus Oversight Commission will hold a meeting on Thursday, September 22, 2011, at 11 a.m. in Conference Room 1, 7th Floor, Forum Place Building, 555 Walnut Street, Harrisburg, PA.

CHARLES ZOGBY,
Chairperson

[Pa.B. Doc. No. 11-1633. Filed for public inspection September 16, 2011, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Mustin Field Demolition and Site Work No. 11-061.1 until 2 p.m. on Thursday, October 13, 2011. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement and will be available Tuesday, September 20, 2011. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 11-1634. Filed for public inspection September 16, 2011, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Third Party Monitoring For Mustin Housing No. 11-063.S until 2 p.m. on Thursday, October 13, 2011. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement and will be available Tuesday, September 20, 2011. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 11-1635. Filed for public inspection September 16, 2011, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Erin Marie Castiglia-Shaffer, LPN; Doc. No. 1633- 51-2010

On May 10, 2011, Erin Marie Castiglia-Shaffer, license no. PN271114, of Dallastown, York County, had her license suspended for not less than 3 years based on findings that she received Accelerated Rehabilitative Disposition in the disposition of felony charges in the courts of this Commonwealth.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of

their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1636. Filed for public inspection September 16, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Jennifer Hanna Johnson, LPN; Doc. No. 1901-51-
10; File No. 07-51-03513**

On September 28, 2010, the Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against Jennifer Hanna Johnson, LPN by filing an Order to Show Cause before the State Board of Nursing alleging that she has violated certain provisions of the Practical Nurse Law (63 P. S. §§ 651—667.8). Under 1 Pa. Code § 33.31 (relating to service by the agency) and Pa.R.C.P. Rule 430, providing for service of process upon Jennifer Hanna Johnson, LPN by publication.

Notice

Formal disciplinary action has been filed against you by way of an Order to Show Cause. You may lose your nursing license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation.

If you wish to defend against the charges in the Order To Show Cause or to present evidence to mitigate any

penalty that may be imposed, the procedures for doing so are explained in the Order To Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within 30 days of this notice. If you do not file an answer, disciplinary action may be taken against you without a hearing. To file your answer, you must bring or send an original and three copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
Harrisburg, PA 17110

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order To Show Cause.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1637. Filed for public inspection September 16, 2011, 9:00 a.m.]
