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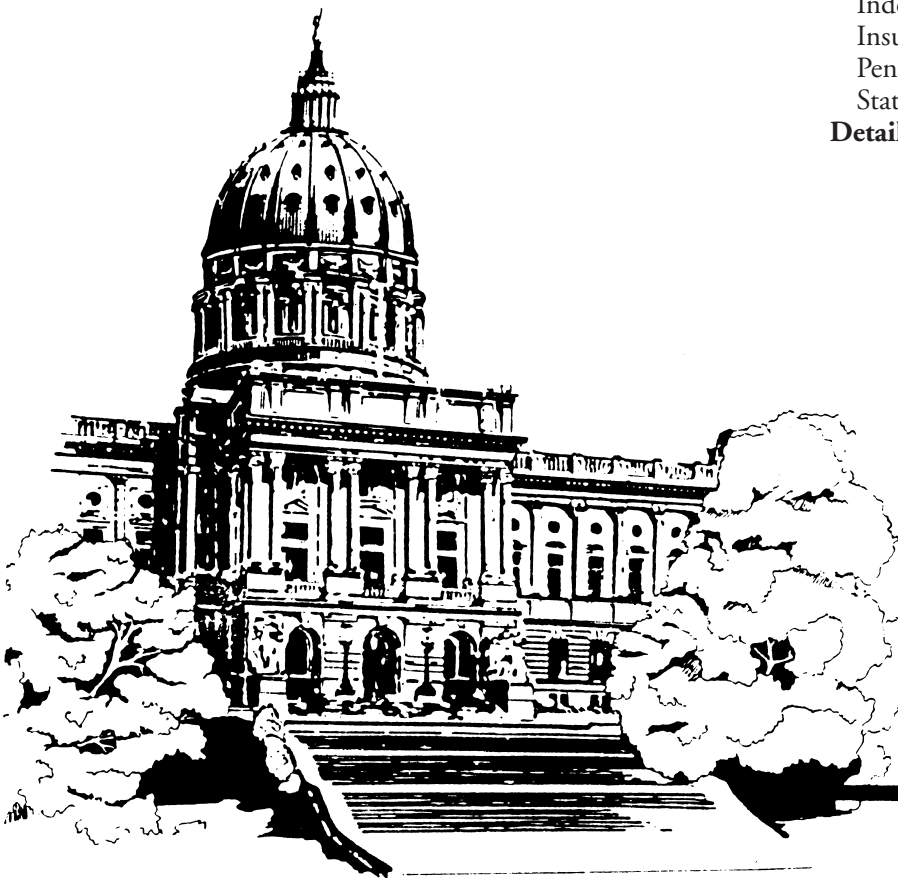
# PENNSYLVANIA BULLETIN

Volume 41  
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Department of Environmental Protection  
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Department of Transportation  
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Independent Regulatory Review Commission  
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 442, September 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# 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.

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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  
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 X ..... 2795

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**  
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 1000 ..... 3526  
 1910 ..... 4531, 4847, 4849, 4851  
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 Part II ..... 336

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 1000 ..... 2315  
 1300 ..... 2316

1910 ..... 1617, 1618, 1619, 3527  
 1915 ..... 3719  
 3000 ..... 5062  
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**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, 5062  
 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  
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**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, 5063

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 3000 ]

#### Proposed Amendment of Rule 3051 Governing Relief from Judgment of Non Pros; Proposed Recommendation No. 253

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 3051 governing relief from judgment of non pros be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than November 4, 2011 to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg PA 17106-2635  
FAX 717-231-9526  
civilrules@pacourts.us

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 3000. JUDGMENTS

#### Subchapter C. FORMS

#### Rule 3051. Relief from Judgment of Non Pros.

\* \* \* \* \*

(b) [ If ] Except as provided in subdivision (c), if the relief sought includes the opening of the judgment, the petition shall allege facts showing that

\* \* \* \* \*

(c)(1) This subdivision governs relief from a judgment of non pros dismissing a case for inactivity based on case law allowing a defendant to obtain a judgment of non pros where (i) there has been a lack of due diligence on the part of the plaintiff for failure to proceed with reasonable promptitude, (ii) the plaintiff has failed to show a compelling reason for the delay, and (iii) the delay has caused actual prejudice to the defendant.

**Official Note:** See *Jacobs v. Halloran*, 551 Pa. 350, 358, 710 A.2d 1098, 1103 (1998), for the requirements for a trial court to enter a judgment of non pros for inactivity.

(2) If the relief sought includes the opening of the judgment of non pros for inactivity, the petition shall allege facts showing that

(i) the petition is timely filed,

(ii) there is a meritorious cause of action, and

(iii) the record of the proceedings granting the judgment of non pros does not support a finding

that each of the three requirements for entry of a judgment non pros for inactivity as set forth in subdivision (c)(1) has been satisfied.

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 3051 governing relief from a judgment of non pros to clarify the requirements for opening a judgment of non pros entered for inactivity. In *Madrid v. Alpine Mountain Corp.*, 2011 WL 2163777(6/3/11), the Superior Court of Pennsylvania ruled that under the current language of Rule 3051(b) it was compelled to conclude that a plaintiff is not entitled to relief from a judgment of non pros for inactivity without a showing that there was a reasonable explanation or legitimate excuse for the inactivity. Under this interpretation of Rule 3051(b), a judgment of non pros for inactivity cannot be opened even if the record did not establish actual prejudice unless the plaintiff could also show a reasonable explanation or legitimate excuse for the delay. Thus, while the defendant was required to show that the delay caused actual prejudice in order to obtain a judgment of non pros for inactivity, the plaintiff who cannot show a reasonable excuse for the delay may not challenge the entry of the judgment of non pros on the ground that the record failed to establish actual prejudice.

New subdivision (c) is intended to alter the ruling in *Madrid* by providing for the opening of a judgment of non pros dismissing a case for inactivity upon a showing that the defendant did not meet each of the three requirements for the entry of a judgment of non pros.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 11-1638. Filed for public inspection September 23, 2011, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CH. 1 ]

#### Order Amending Rule 120 of the Rules of Juvenile Court Procedure; No. 543 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 7th day of September, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3); and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rule 120 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A  
**TITLE 237. JUVENILE RULES**  
**PART I. RULES**

**Subpart A. DELINQUENCY MATTERS**  
**CHAPTER 1. GENERAL PROVISIONS**  
**PART A. BUSINESS OF COURTS**

**Rule 120. Definitions.**

\* \* \* \* \*

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, **upon or after the juvenile's tenth birthday**, committed a delinquent act before reaching eighteen years of age.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

A "juvenile" must be at least ten years old and must not have reached the age of eighteen at the time of the commission of a delinquent act for a delinquency petition to be filed. If a child is under the age of ten at the time of the commission of a delinquent act, a dependency petition may be filed pursuant to Pa.R.J.C.P. 1100 *et seq.* and the Juvenile Act, 42 Pa. C.S. § 6301 *et seq.*

A "juvenile probation officer" is an officer of the court. "Properly commissioned" as used in the definition of a juvenile probation officer includes the swearing in under oath or affirmation and receipt of a document, certificate, or order of the court memorializing the authority conferred upon the juvenile probation officer by the court.

\* \* \* \* \*

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. **Amended September 7, 2011, effective immediately.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 120 published with the Court's Order at 41 Pa.B. 5062 (September 24, 2011).**

**EXPLANATORY REPORT**  
**September 2011**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 120 with this Recommendation. The changes are effective immediately.

Modifications to Rule 120 clarify that the juvenile must be at least ten years old at the time of the commission of a delinquent act for a delinquency petition to be filed. Under the prior version, it could be argued that a juvenile must be at least ten years old at the time of the allegation of the delinquent act.

This revised definition ensures juveniles are at least ten years old and have not reached eighteen years of age when the commission of delinquent acts occurs, rather than when allegations are made.

[Pa.B. Doc. No. 11-1639. Filed for public inspection September 23, 2011, 9:00 a.m.]

**Title 255—LOCAL  
 COURT RULES**

**BLAIR COUNTY**

**Rules of Civil Procedure No. 235: Appeal from  
 Board of Assessment**

**Administrative Order**

And Now, this 8th day of September, 2011, it is hereby Ordered that the new Blair County Rule of Civil Procedure No. 235 is adopted as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified paper copies and one (1) CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOLENE GRUBB KOPRIVA,  
*President Judge*

**Rule 235. Appeal from Board of Assessment.**

Any appeal from the Board of Assessment shall be filed within 30 days of the date of the decision of the Board of Assessment pursuant to 53 P. S. § 8854(a)(1).

[Pa.B. Doc. No. 11-1640. Filed for public inspection September 23, 2011, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
 THE SUPREME COURT**

**Notice of Disbarment**

Notice is hereby given that James Earl Conley, III, having been disbarred from the practice of law in the State of Texas by Order of the Board of Disciplinary Appeals Appointed by the Supreme Court of Texas dated November 28, 2001, the Supreme Court of Pennsylvania issued an Order on September 8, 2011, disbaring James Earl Conley, III, from the Bar of this Commonwealth retroactive to November 28, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1641. Filed for public inspection September 23, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 178 ]

#### Mandated Update Provision of Deficit Reduction Act of 2005 on Medicaid Eligibility for Long-Term Care Services

##### Scope

This statement of policy applies to applicants and recipients in need of payment for the following long-term care (LTC) services: (1) nursing facility services; (2) a level of care in an institution equivalent to that of nursing facility services; and (3) home and community-based services furnished under a waiver granted by the Centers for Medicare and Medicaid Services.

##### Purpose

The purpose of this statement of policy is to provide the Department of Public Welfare's (Department) policy guideline and interpretation of the Department's regulations regarding eligibility for payment of LTC services.

##### Background

Section 6014(f) of the Deficit Reduction Act of 2005 (DRA) (42 U.S.C.A. § 1396p(f)) became law on February 8, 2006. This section of the DRA requires disqualification for payment of LTC services for individuals with substantial home equity. The Commonwealth incorporated this provision that an individual with home equity value that exceeds \$500,000 is ineligible for payment of LTC services in § 178.62a (relating to clarification of disqualification for payment of long-term care services due to substantial home equity—statement of policy), effective March 3, 2007. This ineligibility provision does not apply when there is a spouse, a child under 21 years of age or a child who is blind or permanently and totally disabled residing in the home.

Included in section 6014(f) of the DRA was the provision that the Secretary of Health and Human Services (HHS) shall establish a process to waive the application of the excess home equity provision in the case of a demonstrated hardship. The HHS, however, has not established a process. Until the Secretary of HHS establishes the demonstrated hardship process, the Department will continue to apply the DRA undue hardship provisions under §§ 178.104b and 178.174b (relating to clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy), effective March 3, 2007. This provision makes available an undue hardship waiver request for individuals who would be denied eligibility for payment of LTC services due to excess home equity.

##### Discussion

Included in section 6014(f) of the DRA was the provision that the dollar amount of value of the home equity is to be increased beginning in 2011. The amount is to be increased from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000. Therefore, the corresponding sections of the statements of policy have been revised to reflect this provision.

##### Effective Date

This statement of policy is retroactive to January 1, 2011.

##### Contact Person

Questions and comments to this statement of policy should be directed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, (717) 787-4081.

GARY D. ALEXANDER,  
Secretary

(*Editor's Note:* See 41 Pa.B. 5133 for a notice relating to this Statement of Policy.)

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by amending statements of policy in §§ 178.62a, 178.104b and 178.174b to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-95. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART II. PUBLIC ASSISTANCE MANUAL

#### Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

#### CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA

#### Subchapter B. AGED, BLIND AND DISABLED CATEGORIES OF MA

#### ADDITIONAL RESOURCE REQUIREMENTS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA

#### § 178.62a. Clarification of disqualification for payment of long-term care services due to substantial home equity—statement of policy.

(a) Consistent with section 1917(f) of the Social Security Act (42 U.S.C.A. § 1396p(f)), regarding liens, adjustments and recoveries, and transfers of assets, effective for an application made on or after March 3, 2007, an individual with equity value in the home in excess of \$500,000 is ineligible for payment of long-term care services unless one of the following circumstances exist:

(1) The home is the residence of the community spouse.  
(2) The home is the residence of a child who is under 21 years of age or a child who is blind or permanently and totally disabled as defined in section 1611(a)(3) of the Social Security Act (42 U.S.C.A. § 1382c(a)(3)), regarding definitions.

(b) Consistent with section 1917(f) of the Social Security Act, an individual determined ineligible for payment of long-term care services due to excess home equity will continue to be reviewed for eligibility for Medicaid.

(c) Consistent with section 1917(f)(4) of the Social Security Act, an individual determined ineligible for payment of long-term care services due to excess home equity and who is unable to access the excess home equity may have the ineligibility period waived in the case of a demonstrated hardship.

(d) Consistent with section 1917(f)(1)(C) of the Social Security Act, the dollar amount specified in subsection (a) shall be increased, beginning January 1, 2011, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United

States city average), rounded to the nearest \$1,000. Revisions to this amount, as required by Federal law and regulations, will be published as a notice in the *Pennsylvania Bulletin* and will be made available upon request.

**DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA**

**§ 178.104b. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) For the purposes of this statement of policy, an undue hardship exists when application of the transfer of assets penalty provision would deprive the individual of one of the following:

(1) Medical care so that the individual's health or life would be endangered.

(2) Food, clothing, shelter or other necessities of life.

(b) Consistent with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396p(c)(2)(D)), regarding liens, adjustments and recoveries, and transfers of assets, effective with applications made on or after March 3, 2007, the Department will provide undue hardship waiver guidelines to an individual who is determined ineligible for payment of long-term care services due to a transfer of assets for less than fair market value made on or after February 8, 2006. The undue hardship waiver guidelines provide for the following:

(1) A notice to the individual that an undue hardship waiver exception exists.

(2) A timely process for determining whether an undue hardship waiver will be granted.

(3) A process under which an adverse determination can be appealed.

(c) Consistent with section 1917(c)(2)(D) of the Social Security Act, the undue hardship waiver request guidelines will permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the personal representative of the individual.

(d) Until the Secretary of Health and Human Services establishes the demonstrated hardship process, the Department will apply the undue hardship process for an individual whose equity interest in the individual's home exceeds \$500,000. Consistent with section 1917(f)(1)(C) of the Social Security Act, this dollar amount shall be increased beginning January 1, 2011, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000. Revisions to this amount, as required by Federal law and regulations, will be published as a notice in the *Pennsylvania Bulletin* and will be made available upon request.

**Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA**

**DISPOSITION OF PROPERTY AND FAIR CONSIDERATION PROVISIONS FOR THE TANF AND GA CATEGORIES OF MA**

**§ 178.174b. Clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy.**

(a) For the purposes of this statement of policy, an undue hardship exists when application of the transfer of assets penalty provision would deprive the individual of one of the following:

(1) Medical care so that the individual's health or life would be endangered.

(2) Food, clothing, shelter or other necessities of life.

(b) Consistent with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C.A. § 1396p(c)(2)(D)), regarding liens, adjustments and recoveries, and transfers of assets, effective with applications made on or after March 3, 2007, the Department will provide undue hardship waiver guidelines to an individual who is determined ineligible for payment of long-term care services due to a transfer of assets for less than fair market value made on or after February 8, 2006. The undue hardship waiver guidelines provide for the following:

(1) A notice to the individual that an undue hardship waiver exception exists.

(2) A timely process for determining whether an undue hardship waiver will be granted.

(3) A process under which an adverse determination can be appealed.

(c) Consistent with section 1917(c)(2)(D) of the Social Security Act, the undue hardship waiver request guidelines shall permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the personal representative of the individual.

(d) Until the Secretary of Health and Human Services establishes the demonstrated hardship process, the Department will apply the undue hardship process for an individual whose equity interest in the individual's home exceeds \$500,000. Consistent with section 1917(f)(1)(C) of the Social Security Act, this dollar amount shall be increased beginning January 1, 2011, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000. Revisions to this amount, as required by Federal law and regulations, will be published as a notice in the *Pennsylvania Bulletin* and will be made available upon request.

[Pa.B. Doc. No. 11-1642. Filed for public inspection September 23, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF EDUCATION

### Standardized Arrest and Conviction Form for Current and Prospective Employees of Public and Private Schools

#### Index Calculation Required by the Taxpayer Relief Act

Under section 333(l) of the Taxpayer Relief Act (53 P. S. § 6926.333(l)), the Department of Education (Department) has calculated the index for Fiscal Year (FY) 2012-2013.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For FY 2012-2013, the base index is 1.7%.

For school districts with a market value/income aid ratio greater than 0.4000, an adjusted index will be posted on the Department's web site at [www.education.state.pa.us](http://www.education.state.pa.us) by September 30, 2011.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 11-1643. Filed for public inspection September 23, 2011, 9:00 a.m.]

In accordance with the requirements of section 111(j) of the Public School Code of 1949 (act) (24 P. S. § 1-111(j)), the Department of Education (Department) publishes the standardized form that has been developed by the Department to be used by current and prospective employees of public and private schools, intermediate units and area vocational-technical schools to report any arrest or conviction for an offense enumerated under section 111(e) of the act.

RONALD J. TOMALIS,  
*Secretary*

**ARREST/CONVICTION REPORT AND CERTIFICATION FORM  
(under Act 24 of 2011)**

**Section 1. Personal Information**

Full Legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Any former names  
by which you have  
been identified: \_\_\_\_\_

**Section 2. Report of Arrest or Conviction**

By checking this box, I report that I have been arrested for or convicted of an offense or offenses enumerated under 24 P.S. §1-111(e) ("Reportable Offense(s)"). See Instructions on Page 2 of this Form for a list of Reportable Offenses. If you have none to report, proceed to Section 3 of this form.

**Details of Arrests or Convictions**

For any arrest or conviction of any Reportable Offense, specify in the space below (or on additional attachments if necessary) the crime for which you have been arrested or convicted, the date and location of arrest and/or conviction, and the applicable court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 3. No Arrest or Conviction**

By checking this box, I state that I have never been arrested for or convicted of any Reportable Offense.

**Section 4. Certification**

*By signing this form, I certify under penalty of law that the statements made in this form are true, correct and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

PDE-6004 (9/1/2011)



## INSTRUCTIONS

This standardized form has been developed by the Pennsylvania Department of Education, pursuant to 24 P.S. §1-111(j), to be used by current and prospective employees of public and private schools, intermediate units and area vocational-technical schools for the written reporting by current and prospective employees of any arrest or conviction for an offense enumerated under 24 P.S. §1-111(e).

As required by subsection (j)(2) of 24 P.S. §1-111, this form shall be completed and submitted by all current employees of a public or private school, intermediate unit or area vocational-technical school by December 27, 2011. In addition, as required by subsection (j)(4) of 24 P.S. §1-111, this form shall be utilized by employees to provide written notice within seventy-two (72) hours after an arrest or conviction for an offense enumerated under 24 P.S. §1-111(e) and occurring after September 28, 2011. In accordance with 24 P.S. §1-111, employees completing this form are required to submit the form to the administrator or other person responsible for employment decisions in a school entity. If you have questions regarding to whom the form should be sent, please contact your supervisor or the school entity administration office.

**PROVIDE ALL INFORMATION REQUIRED BY THIS FORM LEGIBLY IN INK.**

## LIST OF REPORTABLE OFFENSES

An offense enumerated under 24 P.S. §1-111(e) (a "Reportable Offense") consists of any of the following:

- (1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
 

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ Chapter 25 (relating to criminal homicide)</li> <li>▪ Section 2702 (relating to aggravated assault)</li> <li>▪ Section 2709.1 (relating to stalking)</li> <li>▪ Section 2901 (relating to kidnapping)</li> <li>▪ Section 2902 (relating to unlawful restraint)</li> <li>▪ Section 2910 (relating to luring a child into a motor vehicle or structure)</li> <li>▪ Section 3121 (relating to rape)</li> <li>▪ Section 3122.1 (relating to statutory sexual assault)</li> <li>▪ Section 3123 (relating to involuntary deviate sexual intercourse)</li> <li>▪ Section 3124.1 (relating to sexual assault)</li> <li>▪ Section 3124.2 (relating to institutional sexual assault)</li> <li>▪ Section 3125 (relating to aggravated indecent assault)</li> <li>▪ Section 3126 (relating to indecent assault)</li> <li>▪ Section 3127 (relating to indecent exposure)</li> <li>▪ Section 3129 (relating to sexual intercourse with animal)</li> <li>▪ Section 4302 (relating to incest)</li> <li>▪ Section 4303 (relating to concealing death of child)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Section 4304 (relating to endangering welfare of children)</li> <li>▪ Section 4305 (relating to dealing in infant children)</li> <li>▪ A felony offense under section 5902(b) (relating to prostitution and related offenses)</li> <li>▪ Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)</li> <li>▪ Section 6301(a)(1) (relating to corruption of minors)</li> <li>▪ Section 6312 (relating to sexual abuse of children)</li> <li>▪ Section 6318 (relating to unlawful contact with minor)</li> <li>▪ Section 6319 (relating to solicitation of minors to traffic drugs)</li> <li>▪ Section 6320 (relating to sexual exploitation of children)</li> </ul> |
|---|---|
  
- (2) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
  
- (3) An offense **SIMILAR IN NATURE** to those crimes listed above in clauses (1) and (2) under the laws or former laws of:
  - the United States; or
  - one of its territories or possessions; or
  - another state; or
  - the District of Columbia; or
  - the Commonwealth of Puerto Rico; or
  - a foreign nation; or
  - under a former law of this Commonwealth.

PDE-6004 (9/1/2011)

# 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.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0041220<br>(Sew)          | Hershey Conewago Recreaground<br>LLC<br>PO Box 449<br>Hershey, PA 17033 | Dauphin County<br>Conewago Township  | UNT Conewago<br>Creek / TSF          | Y                          |

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

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

**PA0012238**, Industrial Waste, SIC 3823, **ABB, Inc.**, 120 East County Line Road, Warminster, PA 18974-4995.

This existing facility is located in Warminster Township, **Bucks County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated effluent from a groundwater remediation system constructed in 1986 under an EPA consent decree. The treatment system consists of three extraction wells, two sand filters, an oil/water separator, and an air stripping tower.

The receiving stream, an unnamed tributary to Pennypack Creek, is in the State Water Plan watershed 3J and is classified for: trout stocking, migratory fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Philadelphia Water Department's Baxter Plant is located on the Delaware River and is approximately 17 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.108 million gallons per day.

| Parameters          | Mass (lb/day)   |               | Concentration (mg/l) |               | Instantaneous Maximum (mg/l) |
|---------------------|-----------------|---------------|----------------------|---------------|------------------------------|
|                     | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily |                              |
| Tetrachloroethylene |                 |               |                      | 0.01          | 0.015                        |
| Trichloroethylene   |                 |               |                      | 0.035         | 0.053                        |
| pH (Std. Units)     |                 |               | 6.0 min.             |               | 9.0                          |

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

1. BAT/ELG Reopener
2. Proper Sludge and Solids Disposal
3. TMDL/WLA Analysis
4. No Discharge of Cleaning Wastewaters from the Air Stripper Tower

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

**PA0065315**, SIC Code 4952, **Roger and Denise Radcliff**, 4279 Chestnut Drive, Walnutport, PA 18088. Facility Name: Roger and Denise Radcliff single family residence sewage treatment system. This proposed facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a proposed single family residence sewage treatment system.

The receiving stream, an Unnamed Tributary to the Lehigh River, is located in State Water Plan watershed 02C and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

| Parameters                  | Mass (lb/day)   |         |         | Concentration (mg/l) |          | Instant. Maximum |
|-----------------------------|-----------------|---------|---------|----------------------|----------|------------------|
|                             | Average Monthly | Minimum | Maximum | Average Monthly      | Geo Mean |                  |
| Flow (MGD)                  | Report          | XXX     | XXX     | XXX                  | XXX      | XXX              |
| pH (S.U.)                   | XXX             | 6.0     | XXX     | XXX                  | XXX      | 9.0              |
| BOD <sub>5</sub> % Removal  | XXX             | XXX     | XXX     | 10.0                 | XXX      | 20.0             |
| Total Suspended Solids      | XXX             | XXX     | XXX     | 10.0                 | XXX      | 20.0             |
| Fecal Coliform (CFU/100 ml) | XXX             | XXX     | XXX     | 200                  | XXX      | 1000             |

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

- No effluent limitations for Total Residual Chlorine (TRC) due to use of ultraviolet disinfection
- Annual Maintenance Report (AMR) submission requirements

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

The EPA Waiver is in effect.

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

**PA0234095**, SIC Code 3341, **CMPC Transition LLC**, 181 Madison Street, Chicago, IL 60602-4510. Facility Name: Cerro Metals—North Yard Groundwater Extraction and Treatment System. This proposed facility is located in Spring Township, **Centre County**.

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

The receiving stream(s), Logan Branch, is located in State Water Plan watershed 9-C and is classified for High Quality—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 0.072 MGD.

| Parameters                        | Mass (lb/day)   |               |         | Concentration   |               |                  |
|-----------------------------------|-----------------|---------------|---------|-----------------|---------------|------------------|
|                                   | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD)                        | Report          | Report        | XXX     | XXX             | XXX           | XXX              |
| pH (S.U.)                         | XXX             | XXX           | 6.5     | XXX             | XXX           | 9.0              |
| Total Suspended Solids (mg/L)     | XXX             | XXX           | XXX     | 10              | 20            | 25               |
| Oil and Grease (mg/L)             | XXX             | XXX           | XXX     | 10              | 20            | 25               |
| 1,2,4-Trimethylbenzene (µg/L)     | XXX             | XXX           | XXX     | 0.09            | 0.09          | 0.09             |
| 1,3,5-Trimethylbenzene (µg/L)     | XXX             | XXX           | XXX     | 0.05            | 0.05          | 0.05             |
| Benzo(a)Pyrene (µg/L)             | XXX             | XXX           | XXX     | 10              | 10            | 10               |
| 3,4-Benzofluoranthene (µg/L)      | XXX             | XXX           | XXX     | 10              | 10            | 10               |
| Carbon Tetrachloride (µg/L)       | XXX             | XXX           | XXX     | 0.02            | 0.02          | 0.02             |
| 1,1,1-Trichloroethane (µg/L)      | XXX             | XXX           | XXX     | 0.04            | 0.04          | 0.04             |
| Bis(2-Ethylhexyl)Phthalate (µg/L) | XXX             | XXX           | XXX     | 10              | 10            | 10               |
| cis-1,2-Dichloroethylene (µg/L)   | XXX             | XXX           | XXX     | 0.06            | 0.06          | 0.06             |
| Tetrachloroethylene (µg/L)        | XXX             | XXX           | XXX     | 0.05            | 0.05          | 0.05             |
| Trichloroethylene (µg/L)          | XXX             | XXX           | XXX     | 0.02            | 0.02          | 0.02             |

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

The EPA Waiver is in effect.

**PA0234044**, SIC Code 4952, **Singer Nathan**, 2210 Balsam Road, Wellsboro, PA 16901. Facility Name: Nathan Singer SRSTP. This proposed facility is located in Delmar Township, **Tioga County**.

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

The receiving stream(s), Unnamed Tributary to Wilson Creek, is located in State Water Plan watershed 9-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 0.0004 MGD.

| Parameters                  | Mass (lb/day)   |                |         | Concentration (mg/l) |                |                  |
|-----------------------------|-----------------|----------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Average Weekly | Minimum | Average Monthly      | Average Weekly | Instant. Maximum |
| Flow (MGD)                  | Report          | XXX            | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                   | XXX             | XXX            | 6.0     | XXX                  | XXX            | 9.0              |
| Total Residual Chlorine     | XXX             | XXX            | XXX     | Report               | XXX            | Report           |
| BOD <sub>5</sub>            | XXX             | XXX            | XXX     | 10                   | XXX            | 20               |
| Total Suspended Solids      | XXX             | XXX            | XXX     | 10                   | XXX            | 20               |
| Fecal Coliform (CFU/100 ml) | XXX             | XXX            | XXX     | 200                  | XXX            | XXX              |

Geo Mean

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

The EPA Waiver is in effect.

**PA0234061**, SIC Code 4952, **David Thierwechter**, 813 Round Top Road, Wellsboro, PA 16901. Facility Name: David Thierwechter Subdivision. This proposed facility is located in Charleston Township, **Tioga County**.

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

The receiving stream(s), Charleston Creek, is located in State Water Plan watershed 9-A 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 0.0004 MGD.

| Parameters              | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|-------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                         | Average Monthly | Weekly Weekly | Minimum | Average Monthly      | Weekly Weekly | Instant. Maximum |
| Flow (MGD)              | Report          | XXX           | XXX     | XXX                  | XXX           | XXX              |
| pH (S.U.)               | XXX             | XXX           | 6.0     | XXX                  | XXX           | 9.0              |
| Total Residual Chlorine | XXX             | XXX           | XXX     | Report               | XXX           | Report           |
| BOD <sub>5</sub>        | XXX             | XXX           | XXX     | 10                   | XXX           | 20               |
| Total Suspended Solids  | XXX             | XXX           | XXX     | 10                   | XXX           | 20               |

| Parameters                  | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|-----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                             | Average Monthly | Weekly Weekly | Minimum | Average Monthly      | Weekly Weekly | Instant. Maximum |
| Fecal Coliform (CFU/100 ml) | XXX             | XXX           | XXX     | 200<br>Geo Mean      | XXX           | XXX              |

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

The EPA Waiver is in effect.

**PA0021814**, Sewage, SIC Code 4952, **Mansfield Municipal Authority**, 14 S Main Street Suite 101, Mansfield, PA 16933-1527. Facility Name: Mansfield Municipal Authority STP. This existing facility is located in Mansfield Borough, **Tioga 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), the Tioga River, is located in State Water Plan watershed 4-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 1.3 MGD:

| Parameters                  | Mass (lb/day)   |                     |         | Concentration (mg/l) |                |                  |
|-----------------------------|-----------------|---------------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Weekly Average      | Minimum | Average Monthly      | Weekly Average | Instant. Maximum |
| Flow (MGD)                  | Report          | Report<br>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 <sub>5</sub>           | 270             | 430                 | XXX     | 25                   | 40             | 50               |
| Total Suspended Solids      | 320             | 485                 | XXX     | 30                   | 45             | 60               |
| Fecal Coliform (CFU/100 ml) |                 |                     |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX                 | XXX     | 200<br>Geo Mean      | XXX            | 1,000            |
| Oct 1 - Apr 30              | XXX             | XXX                 | XXX     | 2,000<br>Geo Mean    | XXX            | 10,000           |
| Total Phosphorus            | 21              | 32                  | XXX     | 2.0                  | 3.0            | 4.0              |

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

| Parameters           | Mass (lbs) |        |         | Concentration (mg/l) |         |
|----------------------|------------|--------|---------|----------------------|---------|
|                      | Monthly    | Annual | Minimum | Monthly Average      | Maximum |
| Ammonia—N            | Report     | Report |         | Report               |         |
| Kjeldahl—N           | Report     |        |         | Report               |         |
| Nitrate-Nitrite as N | Report     |        |         | Report               |         |
| Total Nitrogen       | Report     | Report |         | Report               |         |
| Total Phosphorus     | Report     | Report |         | Report               |         |
| Net Total Nitrogen   | Report     | 23744  |         |                      |         |
| Net Total Phosphorus | Report     | 3166   |         |                      |         |

\* 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 10/1/2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

- Solids Management
- CSO Conditions
- Chesapeake Bay Requirements

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.

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

**PA0032263**, Sewage, SIC Code 8412, **Bureau of State Parks**, Yellow Creek State Park, 170 Route 259 Highway, Penn Run, PA 15765-5941. Facility Name: Yellow Creek State Park. This existing facility is located in Cherryhill Township, **Indiana County**.

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

The receiving stream(s), Yellow Creek, is located in State Water Plan watershed 18-D and is classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.313 MGD.

| Parameters                  | Mass (lb/day)   |                |         | Concentration (mg/l) |                |                  |
|-----------------------------|-----------------|----------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Weekly Average | Minimum | Average Monthly      | Weekly Average | Instant. Maximum |
| Flow (MGD)                  | 0.313           | XXX            | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                   | XXX             | XXX            | 6.0     | XXX                  | XXX            | 9.0              |
| Total Residual Chlorine     | XXX             | XXX            | XXX     | 1.4                  | XXX            | 3.3              |
| CBOD <sub>5</sub>           | 65.0            | 99.0           | XXX     | 25                   | 38             | 50               |
| Total Suspended Solids      | 78.0            | 117.5          | XXX     | 30                   | 45             | 60               |
| Fecal Coliform (CFU/100 ml) |                 |                |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX            | XXX     | 200                  | XXX            | 1000             |
| Oct 1 - Apr 30              | XXX             | XXX            | XXX     | Geo Mean<br>2000     | XXX            | 10000            |
|                             |                 |                |         | Geo Mean             |                |                  |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.005 MGD.

| Parameters              | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|-------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                         | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Daily Maximum | Instant. Maximum |
| Flow (MGD)              | Report          | XXX           | XXX     | XXX                  | XXX           | XXX              |
| pH (S.U.)               | XXX             | XXX           | 6.0     | XXX                  | XXX           | 9.0              |
| Total Residual Chlorine | XXX             | XXX           | XXX     | 1.4                  | XXX           | 3.6              |
| Total Suspended Solids  | XXX             | XXX           | XXX     | 30.0                 | XXX           | 60.0             |
| Total Aluminum          | XXX             | XXX           | XXX     | 4.0                  | XXX           | 8.0              |
| Total Iron              | XXX             | XXX           | XXX     | 2.0                  | XXX           | 4.0              |
| Total Manganese         | XXX             | XXX           | XXX     | 1.0                  | XXX           | 2.0              |

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

The EPA Waiver is in effect.

**PA0217140**, Sewage, SIC Code 4952, **Indiana County Municipal Service Authority**, 602 Kolter Drive, Indiana, PA 15701. Facility Name: Shelocta STP. This existing facility is located in Armstrong Township, **Indiana County**.

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

The receiving stream(s), Crooked Creek, is located in State Water Plan watershed 17-E 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 0.07 MGD.

| Parameters                  | Mass (lb/day)   |                |         | Concentration (mg/l) |                |                  |
|-----------------------------|-----------------|----------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Average Weekly | Minimum | Average Monthly      | Average Weekly | Instant. Maximum |
| Flow (MGD)                  | Report          | XXX            | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                   | XXX             | XXX            | 6.0     | XXX                  | XXX            | 9.0              |
| CBOD <sub>5</sub>           | 14.6            | XXX            | XXX     | 25                   | XXX            | 50               |
| Total Suspended Solids      | 17.5            | XXX            | XXX     | 30                   | XXX            | 60               |
| Fecal Coliform (CFU/100 ml) |                 |                |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX            | XXX     | 200                  | XXX            | 1000             |
| Oct 1 - Apr 30              | XXX             | XXX            | XXX     | 2000                 | XXX            | 10000            |

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

The EPA Waiver is in effect.

**PA0098914**, Sewage, SIC Code 4952, **Mark & Joanne Worthing**, 1376 Rt 68, New Brighton, PA 15066. Facility Name: Unionville Works STP. This existing facility is located in New Sewickley Township, **Beaver 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), Swale Tributary to Brush Creek, is located in State Water Plan watershed 20-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 0.015 MGD.

| Parameters                  | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|-----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                             | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Daily Maximum | Instant. Maximum |
| Flow (MGD)                  | 0.015           | XXX           | XXX     | XXX                  | XXX           | XXX              |
| pH (S.U.)                   | XXX             | XXX           | 6.0     | XXX                  | XXX           | 9.0              |
| Dissolved Oxygen            | XXX             | XXX           | 3.0     | XXX                  | XXX           | XXX              |
| Total Residual Chlorine     | XXX             | XXX           | XXX     | 1.4                  | XXX           | 3.3              |
| CBOD <sub>5</sub>           | XXX             | XXX           | XXX     | 25                   | XXX           | 50               |
| Total Suspended Solids      | XXX             | XXX           | XXX     | 30                   | XXX           | 60               |
| Fecal Coliform (CFU/100 ml) |                 |               |         |                      |               |                  |
| May 1 - Sep 30              | XXX             | XXX           | XXX     | 200<br>Geo Mean      | XXX           | 1000             |
| Oct 1 - Apr 30              | XXX             | XXX           | XXX     | 2000<br>Geo Mean     | XXX           | 10000            |
| Total Phosphorus            | XXX             | XXX           | XXX     | 2.0                  | XXX           | 4.0              |

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

The EPA Waiver is in effect.

**PA0216941**, Sewage, **Forest Hills Municipal Authority**, P O Box 337, St Michael, PA 15951-0337. Facility Name: South Fork Region WWTP. This existing facility is located in Conemaugh Township, **Cambria 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), Little Conemaugh River, is located in State Water Plan watershed 18-E 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 1.2 MGD.

| Parameters                  | Mass (lb/day)   |                     |         | Concentration (mg/l) |                |                  |
|-----------------------------|-----------------|---------------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Weekly Average      | Minimum | Average Monthly      | Weekly Average | Instant. Maximum |
| Flow (MGD)                  | Report          | Report<br>Daily Max | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                   | XXX             | XXX                 | 6.0     | XXX                  | XXX            | 9.0              |
| CBOD <sub>5</sub>           | 250             | 375                 | XXX     | 25                   | 38             | 50               |
| Total Suspended Solids      | 300             | 450                 | XXX     | 30                   | 45             | 60               |
| Fecal Coliform (CFU/100 ml) |                 |                     |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX                 | XXX     | 200<br>Geo Mean      | XXX            | 1000             |
| Oct 1 - Apr 30              | XXX             | XXX                 | XXX     | 2000<br>Geo Mean     | XXX            | 10000            |
| Ammonia-Nitrogen            |                 |                     |         |                      |                |                  |
| May 1 - Oct 31              | 120             | 180                 | XXX     | 12.0                 | 18.0           | 24.0             |

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

The permittee is authorized to discharge uncontaminated storm water from Outfalls 101 and 102.

The EPA Waiver is not in effect.

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

**PA0104442**, Sewage, SIC Code 4952, **Breakneck Creek Regional Authority**, PO Box 1180, Mars, PA 16046-1180. Facility Name: Breakneck Creek STP. This existing facility is located in Adams Township, **Butler 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, the Breakneck Creek, is located in State Water Plan watershed 20-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 3.0 MGD.

| Parameters                         | Mass (lbs/day)  |                     |         | Concentration (mg/l)   |                |                    |
|------------------------------------|-----------------|---------------------|---------|------------------------|----------------|--------------------|
|                                    | Average Monthly | Weekly Average      | Minimum | Average Monthly        | Weekly Average | Instant. Maximum   |
| Flow (MGD)                         | Report          | Report<br>Daily Max | XXX     | XXX                    | XXX            | XXX                |
| pH (S.U.)                          | XXX             | XXX                 | 6.0     | XXX                    | XXX            | 9.0                |
| Dissolved Oxygen                   | XXX             | XXX                 | 6       | XXX                    | XXX            | XXX                |
| CBOD <sub>5</sub>                  |                 |                     |         |                        |                |                    |
| May 1 - Oct 31                     | 250             | 375                 | XXX     | 10                     | 15             | 20                 |
| Nov 1 - Apr 30                     | 375             | 575                 | XXX     | 15                     | 23             | 30                 |
| Total Suspended Solids             | 751             | 1,126               | XXX     | 30                     | 45             | 60                 |
| Fecal Coliform (CFU/100 ml)        |                 |                     |         |                        |                |                    |
| May 1 - Sep 30                     | XXX             | XXX                 | XXX     | 200                    | XXX            | 1,000              |
| Oct 1 - Apr 30                     | XXX             | XXX                 | XXX     | Geo Mean<br>2,000      | XXX            | Geo Mean<br>10,000 |
| UV Intensity (µw/cm <sup>2</sup> ) | XXX             | XXX                 | XXX     | Geo Mean<br>Report Avg | XXX            | Geo Mean<br>XXX    |
| Ammonia-Nitrogen                   |                 |                     |         |                        |                |                    |
| May 1 - Oct 31                     | 37.5            | XXX                 | XXX     | 1.5                    | XXX            | 3                  |
| Nov 1 - Apr 30                     | 82.6            | XXX                 | XXX     | 3.3                    | XXX            | 6.6                |
| Total Phosphorus                   | 50              | XXX                 | XXX     | 2                      | XXX            | 4                  |
| Total Copper                       |                 |                     |         |                        |                |                    |
| INTERIM                            | XXX             | XXX                 | XXX     | Report                 | XXX            | Report             |
| FINAL                              | XXX             | XXX                 | XXX     | 0.016                  | XXX            | 0.032              |
| Total Lead                         |                 |                     |         |                        |                |                    |
| INTERIM                            | XXX             | XXX                 | XXX     | Report                 | XXX            | Report             |
| FINAL                              | XXX             | XXX                 | XXX     | 0.068                  | XXX            | 0.136              |
| Total Zinc                         |                 |                     |         |                        |                |                    |
| INTERIM                            | XXX             | XXX                 | XXX     | Report                 | XXX            | Report             |
| FINAL                              | XXX             | XXX                 | XXX     | 0.132                  | XXX            | 0.264              |

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

- Sanitary Sewer Overflows
- Requirements Applicable to Stormwater Outfalls
- Toxics Reduction Evaluation (TRE)

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. WQG02151110**, Sewerage, **Country Fresh Mushroom Company**, P. O. Box 489, 8990 Gap Newport Pike, Avondale, PA 19311.

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

Description of Action/Activity: Construction and operation of a sewage pump station for a proposed mushroom packaging facility.

**WQM Permit No. WQG02151111**, Sewerage, **Tel Hai Retirement Community**, 1200 Tel Hai Road, P. O. Box 190, Honey Brook, PA 19344.

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

Description of Action/Activity: Construction and operation of a sewer extension and pump station for a senior living facility.

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

**WQM Permit No. 5905401 A-1**, Sewerage [SIC 4952], Liberty Area Municipal Authority, PO Box 73, Liberty, PA 16930.

This proposed facility is located in the Borough of Liberty, **Tioga County**.

Description of Proposed Action/Activity: The Authority wishes to amend WQM Permit No. 5905401 for two revisions. The first revision is to bring the facility into compliance with the permit. The permit currently includes a conventional gravity sewer that discharges into two large septic tanks at the facility's property. For economic reasons, the Authority chose not to construct the sewer and septic tanks, as permitted, and constructed a small diameter collection system with septic tanks at each contributor. The second revision is to include the addition of magnesium hydroxide to adjust pH. The facility currently experiences bouts of low pH and has no existing way of adjusting it.



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

**WQM Permit No. 3211201**, Industrial Waste, **GenOn NE Mgmt. Co.**, 121 Champion Way, Ste. 200, Canonsburg, PA 15317

This proposed facility is located in W. Wheatfield Twp., **Indiana County**.

Description of Proposed Action/Activity: Application to replace desilting basin.

**WQM Permit No. 5611401**, Sewerage, **Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928

This proposed facility is located in Jenner Township, **Somerset County**

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. WQG016189**, Sewerage, **Buck Beilstein**, 209 Libson Road, Beaver, PA 15009

This proposed facility is located in Ohioville Borough, **Beaver County**

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 5611402**, Sewerage, **Borough of Somerset**, 347 West Union Street, Somerset, PA 15501

This proposed facility is located in Somerset Borough, **Somerset County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

**WQM Permit No. WQG026132**, Sewerage, **Southersby Development**, 245 Summerlawn Drive, Sewickley, PA 15143

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

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>       | <i>Receiving Water/Use</i>                    |
|-------------------------|--|---------------|---------------------------|---|
| PAI01<br>091007         | Select Properties<br>2312 North Broad Street<br>Colmar, PA 18915   | Bucks         | West Rockhill<br>Township | Ridge Valley<br>Creek/Unami Creek<br>(HQ-TSF) |
| PAI01<br>5106002—Phased | City of Philadelphia<br>Division of Aviation<br>Philadelphia International Airport<br>Terminal D/E—3d Fl<br>Philadelphia, PA 19102 | Philadelphia  | City of Philadelphia      | Mingo Creek<br>(WWF-MF)                       |

*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 &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>     |
|-------------------------|---|---------------|---------------------|--------------------------------|
| PAI023511003            | North Pocono Public Library<br>Susan Jeffery<br>123 Van Brunt St.<br>Moscow, PA 18444 | Lackawanna    | Moscow Borough      | Van Brunt Creek,<br>HQ-CWF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i>       | <i>Municipality</i>        | <i>Receiving Water/Use</i>   |
|-------------------------|--|---------------------|----------------------------|--|
| PAI034411002            | GE Inspection Technologies<br>50 Industrial Park Road<br>Lewistown, PA 17044 | Mifflin County      | Granville Township         | UNT to Juniata River<br>(HQ-CWF)                                   |
| PAI033611006            | Cliff Sensenig<br>245 Spring Hill Road<br>Kirkwood, PA 17536                 | Lancaster<br>County | Little Britain<br>Township | Tributary 7043 to<br>West Branch<br>Octoraro Creek<br>(HQ-CWF, MF) |

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

*Northumberland County Conservation District: RR 3, Box 238-C, Sunbury, PA 17801, (570) 286-7114, X 4*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                               | <i>County</i>  | <i>Municipality</i> | <i>Receiving Water/Use</i>                  |
|-------------------------|---|----------------|---------------------|---|
| PAI044911001(1)         | Aqua Pennsylvania, Inc.<br>204 E Sunbury St<br>Shamokin, PA 17872 | Northumberland | Coal Township       | South Branch<br>Roaring Creek<br>HQ-CWF, MF |

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

*Armstrong County Conservation District, Armsdale Administration Building, 124 Armsdale Road, Kittanning, PA 16201 (724.548.3435)*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>   |
|-------------------------|--|---------------|---------------------|--|
| PAI050311001            | PennDot District 10-0<br>2550 Oakland Avenue<br>P. O. Box 429<br>Indiana, PA 15701 | Armstrong     | Boggs Township      | North Fork of Pine<br>Creek (HQ-CWF)<br>Naturally Producing<br>Trout |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                    | <i>Receiving Water/Use</i>            |
|-------------------------|--|---------------|--|---------------------------------------|
| PAI0563090021           | PennDOT District 12-0<br>825 North Gallatin Avenue<br>Uniontown, PA 15401              | Washington    | Somerset & South<br>Strabane Townships | Little Chartiers<br>Creek<br>(HQ-WWF) |
| PAI056311002            | James M. Collins<br>St. Clair Hospital<br>1000 Bower Hill Road<br>Pittsburgh, PA 15243 | Washington    | Peters Township                        | Little Chartiers<br>Creek<br>(HQ-WWF) |

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

|        |                                |
|--------|--------------------------------|
| PAG-12 | CAFOs                          |
| PAG-13 | Stormwater Discharges from MS4 |

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

| <i>Agricultural Operation Name and Address</i>                              | <i>County</i>  | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i>      | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/ New</i> |
|---|----------------|--------------------|--------------------------------|-------------------------|---|---------------------|
| Kenton Sweigart<br>620 Greider Rd<br>Mount Joy, PA 17552                    | Lancaster      | 437.74             | 1040.22                        | Dairy/Swine/<br>Pullets | NA  | R                   |
| Paul D. Snyder<br>P&M Snyder<br>2375 Line Mountain Rd<br>Dornsife, PA 17823 | Northumberland | 544.7              | 351.7                          | Layers                  | NA  | Renewal             |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 2311506** Public Water Supply

|                      |  |
|----------------------|--|
| Applicant            | <b>Chester Water Authority</b>   |
| Township             | Little Britain   |
| County               | <b>Delaware</b>  |
| Responsible Official | Brian McEven<br>415 Welsh Street<br>P. O. Box 467<br>Chester, PA 19016 |

|                           |   |
|---------------------------|---|
| Type of Facility          | PWS   |
| Application Received Date | July 19, 2011   |
| Description of Action     | Repairs and repainting wash water tank No. 2 at Chester Water Authority's Octoro Water Treatment Plant. |

**Application No. 0911545** Public Water Supply

|                      |   |
|----------------------|---|
| Applicant            | <b>Aqua Pennsylvania, Inc.</b>                                      |
| Township             | Bensalem  |
| County               | <b>Bucks</b>  |
| Responsible Official | Joseph Thurwanger<br>762 W. Lancaster Avenue<br>Bryn Mawr, PA 19010 |

|                           |  |
|---------------------------|--|
| Type of Facility          | PWS  |
| Application Received Date | July 21, 2011  |
| Description of Action     | Replacement of aged, inefficient pumps at haunted Lane Booster Station with new efficient pumps. |

**Application No. 1511520** Public Water Supply

|                      |  |
|----------------------|--|
| Applicant            | <b>Aqua Pennsylvania, Inc.</b>                               |
| Township             | Schuylkill   |
| County               | <b>Chester</b>   |
| Responsible Official | Marc Lucca<br>762 W. Lancaster Avenue<br>Bryn Mawr, PA 19010 |

|                           |  |
|---------------------------|--|
| Type of Facility          | PWS  |
| Application Received Date | July 18, 2011  |
| Description of Action     | Installation of new aluminum sulfate tanks and transfer pumps. |

**Application No. 0911544** Public Water Supply

|                      |   |
|----------------------|---|
| Applicant            | <b>Aqua Pennsylvania, Inc.</b>  |
| Township             | New Britain Township  |
| County               | <b>Bucks</b>  |
| Responsible Official | Aqua Pennsylvania, Inc.<br>762 W. Lancaster Avenue<br>Bryn Mawr, PA 19010 |

|                           |               |
|---------------------------|---------------|
| Type of Facility          | PWS           |
| Application Received Date | July 19, 2011 |

Description of Action Construction of an in-ground pitless adapter booster station consisting of (2) 80 gpm pumps. Station is known as the Doset Booster Pump Station.

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

**Permit No. 1111507**, Public Water Supply.

Applicant **Annette DeVore and Robert DeVore**  
691 Beaver Valley Road  
Patton, PA 16668

[Township or Borough] Clearfield Township

Responsible Official Annette DeVore and Robert DeVore  
691 Beaver Valley Road  
Patton, PA 16668

Type of Facility Captain's Quarters

Consulting Engineer Gwin, Dobson & Foreman, Inc.,  
3121 Fairway Drive,  
Altoona, PA 16602

Application Received Date August 15, 2011

Description of Action Conversion of an iodine disinfection system to a sodium hypochlorite disinfection 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. 4011510MA**

Applicant **Aqua Pennsylvania, Inc.**

[Township or Borough] Rice Township  
**Luzerne County**

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

Type of Facility Community Water System

Consulting Engineer William A. LaDieu, PE  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112  
717-541-0622

Application Received Date July 21, 2011

Description of Action Application for construction of additional chlorine contact segments at the Vista and Aspen well stations serving Laurel Lakes Village.

**Application No. 4011507MA, Minor Amendment.**

Applicant **Shirley Hanson DBA Hansons Landing**

[Township or Borough] Harveys Lake Borough, **Luzerne County**

Responsible Official Shirley Hanson  
1577 Lakeside Drive  
Harveys Lake, PA. 18618

Type of Facility Public Water Supply

Consulting Engineer Milnes Engineering Inc.  
12 Frear Hill Road  
Tunkhannock, PA. 18657

Application Received Date 7/18/11

Description of Action This project provides for the extension of the Hansons Landing Mobile Home Park water system to service Phase 1 of the Villas. Additional treated water storage will be provided for the Villas.

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

**Application No. 5611515MA, Minor Amendment.**

Applicant **Windber Area Authority**  
1700 Stockholm Drive  
Windber, PA 15963

[Township or Borough] Windber Borough

Responsible Official Dennis Mash, Manager  
Windber Area Authority  
1700 Stockholm Drive  
Windber, PA 15963

Type of Facility Water system

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

Application Received Date September 12, 2011

Description of Action Installation of transmission main from the Clear Shade water storage tank to Windber Borough.

**Application No. 6511502MA, Minor Amendment.**

Applicant **Highridge Water Authority,**  
17 Maple Avenue,  
Blairsville, PA 15717

[Township or Borough] St. Clair Township, East Wheatfield Township, Burrell Township, and Center Township

Responsible Official George Sulkosky, Executive Director  
Highridge Water Authority,  
17 Maple Avenue,  
Blairsville, PA 15717

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.,  
1004 Ligonier Street,  
PO Box 853,  
Latrobe, PA 15650

Application Received Date August 25, 2011

Description of Action Installation of approximately 10,240 feet of waterline.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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:

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

**Northumberland National Bank—Middleburg Branch**, Franklin Township, **Snyder County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 on behalf of Northumberland National Bank, 245 Front St., Northumberland, PA 17857 has submitted a Notice of Intent to Remediate soil contaminated with #2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property will be commercial.

**Staimen Recycling Accident**, Route 220 Northbound, Laporte Township, **Sullivan County**. Pennsylvania Tectonics, Inc., 826 Main St., Peckville, PA 18452 on behalf of Staimen Recycling, Inc., 201 Hepburn St., Williamsport, PA 17703 has submitted a Notice of Intent to Remediate soil and surface water contaminated with diesel fuel, hydraulic oil and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Swineford National Bank**, Middleburg Borough, **Snyder County**. BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064 on behalf of Fulton Financial Corporation, One Penn Square, Lancaster, PA 17602 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with #2 heating oil. The applicant proposes to remediate the site to meet the Site Specific Standard. Intended future use of the property will be commercial—Swineford National Bank.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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

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

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

**57-00004A: Central New York Oil & Gas, LLC** (800 Robinson Road, Owego, NY 13827) for construction of a natural gas compressor station incorporating an 8,180 horsepower natural gas-fired compressor engine and a 6,315 natural gas-fired compressor engine at their site in Davidson Township, **Sullivan County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Central New York Oil & Gas, LLC indicates that construction of the natural gas compressor station will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the station. Additionally, if the Department determines the station is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (natural minor) operating permit.

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

1. The air contaminant emissions from the 8,180 horsepower Caterpillar model G16CM34 compressor engine shall not exceed the following limitations:

- nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—0.50 grams per brake horsepower-hour, 9.02 pounds per hour and 39.50 tons in any 12 consecutive month period.

- carbon monoxide—0.24 grams per brake horsepower-hour, 4.29 pounds per hour and 18.80 tons in any 12 consecutive month period.

- volatile organic compounds—0.15 grams per brake horsepower-hour, 2.71 pounds per hour and 11.85 tons in any 12 consecutive month period.

- sulfur oxides—(SO<sub>x</sub>, expressed as SO<sub>2</sub>)—0.03 pounds per hour and 0.14 tons in any 12 consecutive month period.

- particulate matter/PM-10—0.54 pounds per hour and 2.38 tons in any 12 consecutive month period.

- hazardous air pollutants (including formaldehyde)—1.13 pounds per hour and 4.94 tons in any 12 consecutive month period.

- formaldehyde—0.034 grams per brake horsepower-hour, 0.61 pounds per hour and 2.65 tons in any 12 consecutive month period.

2. The air contaminant emissions from the 6,135 horsepower Caterpillar model G12CM34 compressor engine shall not exceed the following limitations:

- nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—0.50 grams per brake horsepower-hour, 6.76 pounds per hour and 29.60 tons in any 12 consecutive month period.

- carbon monoxide—0.24 grams per brake horsepower-hour, 3.22 pounds per hour and 14.10 tons in any 12 consecutive month period.

- volatile organic compounds—0.15 grams per brake horsepower-hour, 2.03 pounds per hour and 8.89 tons in any 12 consecutive month period.

- sulfur oxides—(SO<sub>x</sub>, expressed as SO<sub>2</sub>)—0.02 pounds per hour and 0.11 tons in any 12 consecutive month period.

- particulate matter/PM-10—0.41 pounds per hour and 1.78 tons in any 12 consecutive month period.

- hazardous air pollutants (including formaldehyde)—0.84 pounds per hour and 3.68 tons in any 12 consecutive month period.

- formaldehyde—0.034 grams per brake horsepower-hour, 0.45 pounds per hour and 1.99 tons in any 12 consecutive month period.

3. The oxidation catalysts shall be equipped with instrumentation to continuously monitor the differential pressure and outlet temperature of the catalyst.

4. The permittee shall keep a maintenance plan for the compressor engines and shall, to the extent practicable, maintain and operate the engines in a manner consistent with good air pollution control practice for minimizing emissions.

5. The air contaminant emissions from the 1,450 horsepower (1,025 kilowatt) Dresser Waukesha model L5794LT emergency generator engine shall not exceed the following limitations:

- nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—1.90 grams per brake horsepower-hour, 3.04 pounds per hour and 0.76 tons in any 12 consecutive month period.

- carbon monoxide—1.80 grams per brake horsepower-hour, 2.88 pounds per hour and 0.72 tons in any 12 consecutive month period.

- non-methane hydrocarbons—0.34 grams per brake horsepower-hour, 1.10 pounds per hour and 0.27 tons in any 12 consecutive month period.

- particulate matter/PM-10—0.11 pounds per hour and 0.03 tons in any 12 consecutive month period.

- hazardous air pollutants (including formaldehyde)—0.82 pounds per hour and 0.21 tons in any 12 consecutive month period.

6. The compressor engines and emergency generator engine shall only be fired on natural gas.

7. The emergency generator engine shall not be operated more than 500 hours in any 12 consecutive month period.

8. The emergency generator engine shall not be operated more than 100 hours per year to perform maintenance.

nance checks and readiness testing. The emergency generator engine may be operated up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing.

9. The compressor engines and emergency generator engine shall comply with all applicable requirements specified in Subpart JJJJ of the federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230 through 60.4248.

10. The compressor engines and emergency generator engine shall comply with all applicable requirements specified in Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.6580—63.6675.

11. The total combined emission of fugitive volatile organic compounds from leaks at valves, flanges, fittings and other pipe connections, as well as from periodic blowdowns performed for maintenance, shall not exceed 0.38 tons in any 12 consecutive month period.

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

**10-374A: Three Rivers Aggregates, LLC, Black Run Mine** (225 North Shore Drive, Pittsburgh, PA 15212) for installation of a sand and gravel processing plant at 144 Brandon Road, Slippery Rock, PA 16057. Sources at the site will include primary and secondary crushing, conveying systems, material stockpiles, screening operations, plant roadways and truck loading/unloading. This facility is located in Worth Township, **Butler County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-374A to Three Rivers Aggregates, LLC for primary and secondary crushing, conveying systems, material stockpiles, screening operations, plant roadways and truck loading/unloading, for the Black Run Mine facility located in Worth Township, Butler County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 10-374A is for the installation of primary and secondary crushing, conveying systems, material stockpiles, screening operations, plant roadways and truck loading/unloading. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 28.58 tons per year of particulate matter.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

## OPERATING PERMITS

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

*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*

**67-05029: Wire Company Holdings, Inc.—dba New York Wire** (500 E. Middle Street, Hanover, PA 17331) for their wire cloth manufacturing facility in Hanover Borough, **York 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 amendment to incorporate an ownership change for the previous NYW Realty LLC facility.

The subject facility has potential volatile organic compounds (VOC) emissions of more than 50 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 *Pennsylvania 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.

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

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

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

**03-00185: Vista Metals, Inc.** (1024 East Smithfield Street, McKeesport, PA 15135) for the continued operation of a carbide facility at Kittanning, E. Franklin Township, **Armstrong County**.

In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) intends to issue a State Only Operating Permit (SOOP) renewal to Vista Metals, Inc. to authorize the continued operation of a carbide facility located at Kittanning, E. Franklin Township, Armstrong County. The facility consists of four attritors, six ball mills, two Ross dryers, one heptane storage tank, two condensers, a torit dust collector and other miscellaneous equipment associated with this type of operations. Pollutant in concern emitted from this facility is VOCs. Company has taken an emission cap of 35 tons/yr of VOCs.

The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-03-00185), 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.

**03-00179: Leading Technologies, Inc.** (1153 Industrial Park Road, Leechburg, PA 15656) for continued operation for manufacturing semiconductor lead frames and other electronic interconnecting products at Parks Township, **Armstrong County**.

In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Leading Technologies, Inc. to authorize the continued operation for manufacturing semiconductor lead frames and other electronic interconnecting products at Parks Township, Armstrong County. The facility consists of two boilers, electroplating system, rack plate machine, parts cleaning machine, scrubbers and other miscellaneous equipment associated with this type of operations. Emissions from this facility are less than 1 ton per year of PM, 1 ton per year of VOCs and 1 ton per year of HAPs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-03-00179), 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*

**20-00135: Clear Lake Lumber** (409 Main Street, Spartansburg, PA 16434) to issue a renewal of the State Only Operating Permit for their sawmill and hardwood flooring facility Spartansburg Borough, **Crawford County**. The sources at the facility include a wood fired boiler controlled by a cyclone, chipper room, sawmill operations, a reman shed for sorting and cutting lumber, the planer shed, planer silo, boiler silo, and cyclones / baghouses for control of the particulate emission. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. 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.

**24-00165: Elkhorn Gas Processing, LLC** (4613 E. 91st Street, Tulsa, Oklahoma 74137) to issue a new State Only Operating Permit for the facility in Jones Township, **Elk County**. The facility is a Natural Minor. The primary sources at the facility include a dehydrator, storage tanks, and compressor engines. 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.

**24-00166: National Fuel Gas Supply Corp.** (PO Box 2081, Erie, PA 16512-2081) to issue a new State Only Operating Permit for their facility in Highland Township, **Elk County**. The facility is a Natural Minor. The primary sources at the facility include a compressor engine and an auxiliary generator. 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.

**24-00169: Modern Industries, Inc.—US Heat Treaters Div.** (129 Green Rd, Kersey, PA 15846-8905) to issue a new State Only Operating Permit for their facility in Fox Township, **Elk County**. The facility is a Natural Minor. The primary sources at the facility are five furnaces. 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.

**37-00011: Dairy Farmers of America, Inc.** (925 State Route 18, New Wilmington, PA 16142-5023) to issue a renewal State Only Operating Permit for the facility in Wilmington Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include boilers, a dryer, 2 waste water treatment reactors, emergency generators, and a parts washer. 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.

## 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*

**30841313 and NPDES No. PA 0022594, Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive), to renew the permit for the Dilworth Mine in Cumberland Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 7, 2011. Application received: February 17, 2011.

**56743704 and NPDES No. PA 0214931, Robindale Energy Services, Inc.**, (224 Grange Hall road, P. O. Box 228, Armagh, PA 15920), to renew the permit for the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County** and related NPDES permit. Receiving Stream: Buffalo Creek, classified for the following use: CWF. The application was considered administratively complete on September 7, 2011. Application received: January 27, 2011.

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

**10860105 and NPDES No. PA0107051, Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242). Renewal of an existing bituminous surface mine in Slippery Rock and Worth Townships, **Butler County** affecting 251.0 acres. This renewal is issued for reclamation only. Receiving streams: Wolf Creek, unnamed tributaries to Slippery Rock Creek, and Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 6, 2011.

**10060103, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface mine in Clay and Center Townships, **Butler County** affecting 218.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary No. 6 to Stony Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 7, 2011.

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

**54940202R3, Drenzo Coal Company**, (1389 Bunting Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving stream: West Creek, classified for the following use: cold water fishes. Application received: August 26, 2011.

**54960202R3, City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate**, (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite coal refuse reprocessing, refuse disposal, surface mine and coal preparation plant operation in Union, Butler and West Mahanoy Townships, **Schuylkill County** affecting 1071.0 acres, receiving streams: Shenandoah and Mahanoy Creeks, classified for the following use: cold water fishes. Application received: August 26, 2011.

**54-305-019GP12, Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54803203C5 in Hegins Township, **Schuylkill County**. Application received: August 29, 2011

**19-305-001GP12, Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 19950101C12 in Conyngham Township, **Columbia County**. Application received: August 30, 2011.

#### *Noncoal Applications Received*

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

**10060306, Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Renewal of NPDES Permit No. PA0258211 in Marion Township, **Butler County**. Receiving streams: Five unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek, both classified for the following uses: CWF. There are no

potable surface water supply intakes within 10 miles downstream. Application received: September 6, 2011.

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

**58080850. Jeb's PA Bluestone Quarry, LLC**, (850 Baptist Hill Road, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Great Bend Township, **Susquehanna County** affecting 3.0 acres on property owned by John Buffamonte. Application received: August 29, 2011.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated

with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

limitations may apply in the event that unexpected discharges occur.

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0235610** (Mining Permit No. 30031301), Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501). A renewal to the NPDES and mining activity permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County**. Surface Acres Affected 40.0, Underground Acres Affected 2278.0. Receiving Streams: Dunkard Creek, Unnamed Tributary to Meadow Run, and Unnamed Tributary to Glade Run, all classified for the following use: WWF. Dunkard Creek TMDL. The application was considered administratively complete on November 30, 2009. Application received October 23, 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 coal mining activities.

The proposed average daily discharge rate for Outfall 001 is .27 MGD

Outfall 001 discharges to: Dunkard Creek

The proposed effluent limits for Outfall 001 Lat: 39° 45' 21" Long: 80° 00' 31" are:

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 3.0                   | 6.0                  | 7.0                     |
| Manganese (mg/l)                             |                | 2.0                   | 4.0                  | 5.0                     |
| Aluminum (mg/l)                              |                | 0.5                   | 0.75                 |                         |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35                    | 70                   | 90                      |
| Flow   |                | Monitor & Report      |                      |                         |
| Osmotic Pressure (mOs/kg)                    |                | Monitor & Report      |                      |                         |
| Total Dissolved Solids (mg/l)                |                | Monitor & Report      |                      |                         |
| Sulfates (mg/l)                              |                | Monitor & Report      |                      |                         |
| Chlorides (mg/l)                             |                | Monitor & Report      |                      |                         |

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

The proposed average daily discharge rate for Outfall 002 is 2.0 MGD

For the period \_\_\_\_\_ to \_\_\_\_\_ .

Outfall 002 discharges to: Dunkard Creek

The proposed effluent limits for Outfall 002 Lat: 39° 45' 36" Long: 80° 00' 02" are:

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 1.5                   | 3.0                  | 3.75                    |
| Manganese (mg/l)                             |                | 1.0                   | 2.0                  | 2.5                     |
| Aluminum (mg/l)                              |                | 1.0                   | 2.0                  | 1.25                    |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35                    | 70                   | 90                      |
| Flow   |                | Monitor & Report      |                      |                         |
| Osmotic Pressure (mOs/kg)                    |                | 32                    | 50                   | 50                      |
| Total Dissolved Solids (mg/l)                |                | Monitor & Report      |                      |                         |
| Sulfates (mg/l)                              |                | 250                   |                      |                         |

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Sulfates (mg/l) <sup>2</sup> |                | 850                       | 1700                     | 2125                        |
| Chlorides (mg/l)             |                | Monitor & Report          |                          |                             |

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

<sup>2</sup> The implementation of the limit for sulfates is subject to a Compliance Schedule as described below in Part B. In the interim, the following limits for sulfates apply throughout the pendency of the compliance schedule.

The proposed average daily discharge rate for Outfall 003 is .07 MGD

Outfall 003 discharges to: Unnamed Tributary to Meadow Run

The proposed effluent limits for Outfall 003 Lat: 39° 45' 39" Long: 80° 01' 30" are:

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                                  |                | 3.0                       | 6.0                      | 7.0                         |
| Manganese (mg/l)                             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)                              |                | Monitor & Report          |                          |                             |
| Alkalinity greater than acidity <sup>1</sup> |                |                           |                          |                             |
| Total Suspended Solids (mg/l)                |                | 35                        | 70                       | 90                          |
| Flow   |                | Monitor & Report          |                          |                             |
| Osmotic Pressure (mOs/kg)                    |                | Monitor & Report          |                          |                             |
| Total Dissolved Solids (mg/l)                |                | Monitor & Report          |                          |                             |
| Chlorides (mg/l)                             |                | Monitor & Report          |                          |                             |
| Specific Conductance (umho)                  |                | Monitor & Report          |                          |                             |

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

The proposed average daily discharge rate for Outfall 004 is .01 MGD

Outfall 004 discharges to: Unnamed Tributary to Glade Run

The proposed effluent limits for Outfall 004 Lat: 39° 45' 15" Long: 80° 02' 48" are:

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                                  |                | 3.0                       | 6.0                      | 7.0                         |
| Manganese (mg/l)                             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)                              |                | Monitor & Report          |                          |                             |
| Alkalinity greater than acidity <sup>1</sup> |                |                           |                          |                             |
| Total Suspended Solids (mg/l)                |                | 35                        | 70                       | 90                          |
| Flow   |                | Monitor & Report          |                          |                             |
| Osmotic Pressure (mOs/kg)                    |                | Monitor & Report          |                          |                             |
| Total Dissolved Solids (mg/l)                |                | Monitor & Report          |                          |                             |
| Sulfates (mg/l)                              |                | Monitor & Report          |                          |                             |
| Chlorides (mg/l)                             |                | Monitor & Report          |                          |                             |

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

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

**NPDES No. PA0263249 (Mining permit no. 11110102)**, Laurel Sand & Stone, Inc., P. O. Box 556, 210 E. Main Street, Ligonier, PA 15658, new NPDES permit for bituminous surface mining in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving stream(s): South Branch Blacklick Creek, Bracken Run, UNTS to South Branch Blacklick Creek, UNTS to Bracken Run classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 23, 2011.

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

The outfall(s) listed below require a non-discharge alternative:

| <i>Outfall Nos.</i>        | <i>New Outfall (Y/N)</i> |
|----------------------------|--------------------------|
| 001 (Pond 1)               | Y                        |
| 002 (Pond 2)               | Y                        |
| 003 (Pond 3)               | Y                        |
| 004 (Treatment Facility A) | Y                        |
| 005 (Treatment Facility B) | Y                        |
| 006 (Treatment Facility C) | Y                        |

**NPDES No. PA0248924 (Mining permit no. 56010101)**, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for a bituminous surface mine in Elk Lick Township, **Somerset County**,

affecting 81.0 acres. Receiving stream(s): unnamed tributary to Casselman River, classified for the following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: August 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 coal mining activities.

The treated wastewater outfall(s) listed below discharge to Unnamed tributary to Casselman River.

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

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

| <i>Outfalls:<br/>Parameter</i>                                     | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)  | 3.0                       | 6.0                      | 7.0                         |
| Manganese (mg/l)   | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)  | 0.75                      | 1.5                      | 1.9                         |
| Total Suspended Solids (mg/l)                                      | 35.0                      | 70.0                     | 90.0                        |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                           |                          |                             |
| Alkalinity must exceed acidity at all times                        |                           |                          |                             |

The stormwater outfall(s) listed below discharge to: Unnamed tributary to Casselman River

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

**NPDES No. PA0249904 (Mining permit no. 56060101)**, Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, renewal of an NPDES permit for bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 194.6 acres. Receiving stream(s): UNT to Buck Run, UNT to Schrock Run, UNT to Stonycreek River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 11, 2011.

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

The outfall(s) listed below discharge to UNT to Buck Run, UNT to Schrock Run, UNT to Stonycreek River.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 001                 | N                        |
| 002                 | N                        |
| 003                 | N                        |
| 004 (Same as SP1)   | N                        |
| 005 (Same as SP2)   | N                        |

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

| <i>Outfalls:<br/>Parameter</i>                                     | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)  | 1.5                       | 3.0                      | 3.5                         |
| Manganese (mg/l)   | 1.0                       | 2.0                      | 2.5                         |
| Aluminum (mg/l)  | 0.75                      | 1.5                      | 1.9                         |
| Total Suspended Solids (mg/l)                                      | 35.0                      | 70.0                     | 90.0                        |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                           |                          |                             |
| Alkalinity must exceed acidity at all times                        |                           |                          |                             |

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

**NPDES No. PA0259021 (Permit No. 16110101)**. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) New NPDES permit for a bituminous surface and auger mine in Porter Township, **Clarion County**, affecting 114.5 acres. Receiving streams: Jacks Run, Long Run & Leisure Run, classified for the following uses: CWF. TMDL is Leatherwood Creek & Redbank Creek. Application received: March 3, 2011.

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

The outfall(s) listed below discharge to TA to Long Run, TB to Leisure Run, TC to Long Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| TA                 | Y                        |
| TB                 | Y                        |
| TC                 | 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 <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 3                     | 6                    | 7                       |
| Manganese (mg/l)                             |                | 2                     | 4                    | 5                       |
| Aluminum (mg/l)                              |                | 0.75                  | 1.5                  | 2.25                    |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35                    | 70                   | 90                      |

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

The outfall(s) listed below discharge to A to Long Run, B to Leisure Run, C to Jacks Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| A                  | Y                        |
| B                  | Y                        |
| C                  | 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 <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                |                       |                      | 7.0                     |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Settleable Solids (ml/l)               |                |                       |                      | 0.5                     |

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-719. Pennsylvania Department of Transportation**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Hazel and Sugarloaf Townships, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the Airport Beltway Improvement Project:

1. To remove the existing structure and to construct and maintain a roadway crossing of a tributary to Black Creek (CWF, MF) consisting of a 15-foot x 3-foot concrete box culvert with fish baffles with the invert depressed 1-foot below the streambed elevation. The structure permanently impacts approximately 86 linear feet of stream and 0.01 acres of wetlands.
2. To remove the existing structure and to construct and maintain a roadway crossing of a tributary to Black Creek (CWF, MF) consisting of a 12-foot x 4.5-foot concrete box culvert with fish baffles with the invert depressed 1-foot below the streambed elevation. The structure permanently impacts approximately 40 linear feet of stream and 0.02 acre of wetland. The project also includes the relocation of an existing natural gas utility crossing below the proposed box culvert.
3. To construct and maintain a channel change along approximately 595 feet of a tributary Black Creek (CWF, MF) with work consisting of widening, regrading, and reshaping the channel. The channel will be vegetated with a 20-foot bottom width and a 6-inch deep, 8-foot wide low flow channel, and 2:1 side slopes. The channel change will also impact 0.14 acre of wetland.

4. To modify and maintain four stormwater outfalls in a tributary Black Creek (CWF, MF) with work consisting of extending or shortening outfalls to match proposed stream bank grade including impacts to 0.01 acre of wetland.

5. To remove an existing 40 linear foot driveway crosspipe and to reconstruct the tributary Black Creek (CWF, MF) with a 2-foot bottom, 2-foot depth and 3:1 side slopes.

6. To place fill within wetlands for the purpose of reconstructing/widening of the roadway impacting approximately 0.05 acre of wetland.

7. To place fill within the floodplain/floodway of tributary to Black Creek (CWF, MF) for the purpose of creating a berm to prevent water from leaving the stream.

The project will impact 0.22 acres of wetland and 761 linear feet of streams. The project is located along S.R. 3026 from the intersection of SR 93 to the intersection of SR 309 in the townships of Hazel and Sugarloaf, Luzerne County. (Conyngham and Hazleton, PA Quadrangle, Latitude: 40°59'29"; Longitude: -75°59'7").

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

**E44-145: Burnham Borough Authority**, Upgrade Wastewater Treatment Plant, 20 First Avenue, Burnham, Pennsylvania 17009, in Burnham Borough, **Mifflin County**, ACOE Baltimore District

To remove existing structures and construct and maintain: 1) 240 sf Screen Chamber, 2) 170 sf Grit Removal System and Pad, 3) two 4,040 sf Sequencing Batch Reactors, 4) two 980 sf Post-SBR Equalization Tanks, 5) two 1,085 sf Digesters, 6) three 6,067 sf Reed Beds, 7) 1,800 sf Chemical Blower Building, and 8) associated paving and sidewalks in the floodways and floodplains of Kishacoquillas Creek (HQ-CWF, MF). The project is located on the north side of Railroad Street approximately 700 feet southeast of the intersection with Freedom Avenue (Burnham, PA Quadrangle; N: 0.8 inch, W: 9.0 inches; Latitude: 40°37'46.7", Longitude: -77°33'52.3") in Burnham Borough, Mifflin County. The purpose of the project is to make the necessary upgrades for the removal of Total Nitrogen and Total Phosphorous to meet the effluent limits mandated by Burnham's NPDES Permit and the Chesapeake Bay Tributary Strategy.

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

**E49-316. Joe Bressi**, 451 South Main Street, Sunbury, PA 17801. Water Obstruction and Encroachment Joint Permit Application, in Snydertown Borough, **Northumberland County**, ACOE Susquehanna River Basin District (Treverton, PA Quadrangle N: 40° 52' 14"; W: -76° 40' 14").

To construct and maintain a single span metal bridge having a clear span of 47-feet, an average underclearance of 6.2 feet and a width of 8.5-feet over an UNT to Little Shamokin Creek. The proposed structure is located at 451 Main Street, Sunbury. This project proposes to permanently impact 20 linear feet of UNT to Little Shamokin Creek, which is designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands.

**E55-228. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montours-

ville, PA 17754-0218. S.R. 3007 Section 009, Middle Creek Bridge Replacement, Franklin Township, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle N: 40° 46' 32"; W: 77° 04' 02").

PA DOT Engineering District 3-0 proposes to replace a single-span truss bridge with a two-span spread box beam bridge. The existing bridge has a span of 110 Ft., a skew of 90 degrees, an underclearance of 13.5 Ft. and a low chord of 503.49 Ft. The proposed bridge has a span of 146.5 Ft., a skew of 90 degrees, an underclearance of 17.4 Ft., and a low chord of 499.6 Ft. The project will permanently impact 0.02 acres of jurisdictional wetlands and does not require mitigation. Middle Creek is classified as Trout Stream Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

**E59-509. Scott Fay**, 15781 Route 87, Tioga, PA 19046-3147. Water Obstruction and Encroachment Joint Permit Application, in Tioga Township, **Tioga County**, ACOE Susquehanna River Basin District (Tioga, PA Quadrangle N: 41° 55' 28"; W: -77° 8' 34").

To construct and maintain a corrugated metal pipe having a diameter of 7-feet and measuring 20-feet long within Bear Creek, 0.6 mi. west of the int. with SR 0287 and Upper Bear Creek Road along Upper Bear Creek Road. This project proposes to permanently impact 20 linear feet of Bear Creek, which is designated as a Warm Water Fishery and does not propose to impact any jurisdictional wetlands.

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

**E02-1652. PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017.

To remove the existing 32.2' wide, 50' long, single span, two lane and side walk, 65 degree skew SR 2058 bridge; and to construct and maintain a new 33.4' wide, 50.4' long, single span, two land bridge with a underclearance of 11' with a 55 degree skew over Plum Creek (WWF); to construct and maintain associated outfalls; and construct a temporary stream diversion. (New Kensington West PA Quadrangle; N: 2.5 inches; W: 7.5 inches; Latitude: 40° 30' 50.8"; Longitude: 79° 48' 17.8") between Plum Borough and the Municipality of Penn Hills, Allegheny County.

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

**E10-471, American Transmission Systems, Inc.**, 76 South Main Street, Akron, OH 44308. Cranberry 138 kV Transmission Line Project, in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To install temporary roadway and construction access including crossings of four tributaries to Brush Creek having contributory drainage areas less than 100 acres by bridge or culvert and temporary impact to approximately 0.32 acre of wetland (PSS/PEM) for a temporary work area measuring approximately 100 feet long by 100 feet wide and a 12-foot wide by 345 foot long timber mat access road for the construction of two 138 kV electric transmission lines from ATSP's Cranberry Substation located east of I-79 along North Boundary Road (Mars, PA Quadrangle N: 40°, 43', 20"; W: 80°, 05', 57") extending approximately 2 miles southwest to existing 138 kV transmission lines west of the Pennsylvania Turnpike (Baden, PA Quadrangle N: 40°, 42', 20"; W: 80°, 07', 49").

A permanent de minimus wetland impact (0.0003 acres of PEM wetland) will be associated with electric pole placement.

**E16-140, PA DOT, District 10-0**, 2550 Oakland Ave., PO Box 429, Indiana, PA 15701. S.R. 0068 Section 358 East Sligo Bridge across Licking Creek, in Piney Township, **Clarion County**, ACOE Pittsburgh District (Sligo, PA Quadrangle N: 41°, 06', 30"; W: -79°, 28', 59.9").

To remove the existing 45 foot single span reinforced concrete T-beam bridge and to construct and maintain a 57.2 foot single clear span prestressed concrete spread box beam bridge with an underclearance of 16.8 feet and out to out width of 39.4 feet across Licking Creek within its floodplain. Proposed structure and roadway approaches will be re-aligned approximately 14.0 feet downstream from existing centerline to proposed centerline and vertical grade will be raised approximately 9.0 feet. Proposed project will fill 0.10 acres of 2 wetland areas, project is located at S.R. 0068, Segment 0370, Offset 0621 approximately 0.4 miles East of its intersection with SR 0058.

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

**E0829-019: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat impacting 20 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°35'50", Longitude: -76°16'6").

2. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 718 square feet; (Colley, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°16'5").

3. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat impacting 27 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°36'10", Longitude: -76°15'42").

4. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 357 square feet; (Colley, PA Quadrangle, Latitude: 41°36'7", Longitude: -76°15'23").

5. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 1,134 square feet; (Colley, PA Quadrangle, Latitude: 41°36'7", Longitude: -76°15'20").

6. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 840 square feet; (Colley, PA Quadrangle, Latitude: 41°36'7", Longitude: -76°15'16").

7. Two 16 inch diameter temporary waterlines impacting 43 linear feet of Panther Lick Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41°36'6", Longitude: -76°14'58").

8. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 3,073 square feet; (Colley, PA Quadrangle, Latitude: 41°36'11", Longitude: -76°16'25").

9. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent

Wetland, a Palustrine Scrub-Shrub Wetland and a Palustrine Forested Wetland. Impacted Area: 4,439 square feet; (Colley, PA Quadrangle, Latitude: 41°36'11", Longitude: -76°16'25").

10. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat impacting 98 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) and an adjacent Palustrine Emergent Wetland, Scrub-Shrub Wetland, and Palustrine Forested Wetland impacting 3,883 square feet (Colley, PA, Latitude: 41°36'21", Longitude: -76°16'52").

11. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 3,326 square feet; (Colley, PA Quadrangle, Latitude: 41°36'27", Longitude: -76°16'48").

12. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent and Palustrine Forested Wetland. Impacted Area: 7,073 square feet; (Colley, PA Quadrangle, Latitude: 41°36'27", Longitude: -76°16'48").

13. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat impacting 28 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) and an adjacent Palustrine Forested Wetland impacting 605 square feet (Colley, PA, Latitude: 41°36'29", Longitude: -76°16'59").

14. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent and Palustrine Forested Wetland. Impacted Area: 1,087 square feet; (Colley, PA Quadrangle, Latitude: 41°36'36", Longitude: -76°17'11").

15. Two 16 inch diameter temporary waterlines impacting 2 linear feet of an unnamed tributary to Panther Lick Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°36'35", Longitude: -76°17'28").

16. Two 16 inch diameter temporary waterlines and a 16 foot wide equipment mat across a Palustrine Emergent and Palustrine Forested Wetland. Impacted Area: 1,087 square feet; (Colley, PA Quadrangle, Latitude: 41°36'37", Longitude: -76°17'48").

The project will result in 218 linear feet and 1,204 square feet of temporary stream impacts and 27,786 square feet (0.64 acres) of temporary PEM, PSS and PFO wetland impacts from temporary waterlines and temporary equipment mat crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E5929-024: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Richmond, Covington and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 28 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'54"N 77°05'00"W);

2) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 86 linear feet of Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'53"N 77°04'50"W);

3) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting



21 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'48"N 77°04'37"W);

4) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 4 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'45"N 77°04'28"W);

5) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 7 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°04'11"W);

6) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 13 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°04'08"W);

7) a temporary road crossing using a mat bridge impacting 10 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'36"N 77°07'08"W);

8) a temporary road crossing using a mat bridge impacting 16 linear feet of an unnamed tributary to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°03'57"W);

9) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 11 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'53"N 77°03'11"W);

10) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 79 linear feet of Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'54"N 77°03'00"W);

11) a temporary road crossing using a mat bridge impacting 23 linear feet of Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'48"N 77°03'00"W);

12) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 6 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'05"N 77°02'15"W);

13) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 10 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'42"N 77°02'06"W);

14) a temporary road crossing using a mat bridge impacting 15 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'42"N 77°01'55"W);

15) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 15 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'54"N 77°02'19"W);

16) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting

22 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'55"N 77°02'20"W);

17) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 6 linear feet of an unnamed tributary to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'07"N 77°01'00"W);

18) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 14 linear feet of an unnamed tributary to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'24"N 77°00'58"W);

19) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,369 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'52"N 77°05'34"W);

20) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 33,247 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'53"N 77°04'52"W);

21) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 23,058 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'46"N 77°04'30"W);

22) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 17,621 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°04'27"W);

23) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,044 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'21"W);

24) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'43"N 77°04'19"W);

25) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 109 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'33"N 77°04'08"W);

26) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 189 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'01"W);

27) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,942 square feet of a palustrine emergent (PEM) wetland and

palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'03"W);

28) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 531 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'38"N 77°04'01"W);

29) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 2,079 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'39"N 77°03'59"W);

30) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 199 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'48"W);

31) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 251 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'45"W);

32) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 625 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'41"W);

33) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 2,782 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'47"N 77°03'28"W);

34) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 622 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'58"N 77°02'41"W);

35) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,089 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'00"N 77°02'34"W);

36) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 9,997 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'28"N 77°01'40"W);

37) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 3,411 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°46'36"N 77°02'01"W);

38) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 629 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'42"N 77°01'55"W);

39) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 377 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'48"N 77°02'12"W);

40) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and

a 10 inch and 4 inch diameter water line impacting 5,254 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'39"N 77°01'22"W);

41) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 5,565 square feet of a palustrine emergent (PEM) wetland and palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°47'08"N 77°00'59"W);

The project will result in 363 linear feet of temporary stream impacts, a total of 108,368 square feet (2.49 acres) of temporary wetland impacts, and 3,725 square feet (.09 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

**E0829-001. Appalachia Midstream Services, LLC;** 101 North Main Street, Athens, PA 18810; Monroe and Towanda Townships, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 24 inch diameter steel natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 41 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 19", Longitude -76° 26' 38"),

2. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 41 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 19", Longitude -76° 26' 38"),

3. a 24 inch diameter steel natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 43 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 19", Longitude -76° 26' 38"),

4. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 43 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 19", Longitude -76° 26' 38"),

5. a 24 inch diameter steel natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 47 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

6. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 47 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

7. a 24 inch diameter steel pipe natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 57 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 40"),

8. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 57 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 40"),

9. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 15 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 25", Longitude -76° 26' 47"),

10. a 24 inch diameter steel natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 47 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 32", Longitude -76° 27' 09"),

11. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 47 lineal feet (278 square feet) (Monroeton, PA Quadrangle; Latitude 41° 42' 32", Longitude -76° 27' 09"),

12. a 24 inch diameter steel pipe natural gas pipeline crossing a tributary to the South Branch Towanda Creek (CWF-MF) impacting 59 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 39", Longitude -76° 27' 14"),

13. a temporary access road across a tributary to the South Branch Towanda Creek (CWF-MF) impacting 59 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 42' 39", Longitude -76° 27' 14"),

14. a 24 inch diameter steel natural gas pipeline crossing a tributary to Towanda Creek (CWF-MF) impacting 219 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 43' 34", Longitude -76° 27' 25"),

15. Temporary Access Road across a tributary to Towanda Creek (CWF-MF) impacting 219 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 43' 34", Longitude -76° 27' 25"),

16. a 24 inch diameter steel natural gas pipeline crossing Towanda Creek (WWF-MF) impacting 27 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 44' 06", Longitude -76° 27' 29"),

17. a 24 inch diameter steel natural gas pipeline crossing a tributary to Towanda Creek (CWF-MF) impacting 38 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 44' 06", Longitude -76° 27' 29"),

18. a temporary access road across a tributary to Towanda Creek (CWF-MF) impacting 38 lineal feet (Monroeton, PA Quadrangle; Latitude 41° 44' 06", Longitude -76° 27' 29"),

19. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 393 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

20. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 393 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

21. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 638 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

22. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 638 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 39"),

23. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 3,636 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 25", Longitude -76° 26' 42"),

24. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 3,636 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 25", Longitude -76° 26' 42"),

25. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 54 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 24", Longitude -76° 26' 41"),

26. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 556 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 32", Longitude -76° 27' 08"),

27. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 556 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 32", Longitude -76° 27' 08"),

28. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 5,945 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 34", Longitude -76° 27' 12"),

29. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 5,945 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 34", Longitude -76° 27' 12"),

30. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 2,050 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 36", Longitude -76° 27' 14"),

31. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 2,050 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 36", Longitude -76° 27' 14"),

32. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 423 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 38", Longitude -76° 27' 14"),

33. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 423 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 38", Longitude -76° 27' 14"),

34. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 84 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 40", Longitude -76° 27' 14"),

35. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 84 square feet (Monroeton, PA Quadrangle; Latitude 41° 42' 40", Longitude -76° 27' 14"),

36. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 591 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 08", Longitude -76° 27' 11"),

37. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 591 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 08", Longitude -76° 27' 11"),

38. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 1,786 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 11", Longitude -76° 27' 10"),

39. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 1,786 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 11", Longitude -76° 27' 10"),

40. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 4,381 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 13", Longitude -76° 27' 11"),

41. a temporary access road across a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 4,381 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 13", Longitude -76° 27' 11"),

42. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 16,871 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 16", Longitude -76° 27' 13"),

43. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 16,871 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 16", Longitude -76° 27' 13"),

44. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Forested Wetland (PFO) impacting 2,778 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 16", Longitude -76° 27' 13"),

45. a temporary access road across a Palustrine Forested Wetland (PFO) impacting 2,778 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 16", Longitude -76° 27' 13"),

46. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 1,020 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 20", Longitude -76° 27' 14"),

47. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 1,307 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 27", Longitude -76° 27' 16"),

48. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 462 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 28", Longitude -76° 27' 15"),

49. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 347 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 22", Longitude -76° 27' 20"),

50. a temporary access road across a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 347 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 22", Longitude -76° 27' 20"),

51. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 240 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 26", Longitude -76° 27' 20"),

52. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 240 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 26", Longitude -76° 27' 20"),

53. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 15,879 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 31", Longitude -76° 27' 25"),

54. a temporary access road across a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 15,879 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 31", Longitude -76° 27' 25"),

55. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Open Water Wetland (POW) impacting 54 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 44", Longitude -76° 27' 29"),

56. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent/Open Water Wetland (PEM/POW) impacting 84 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 46", Longitude -76° 27' 31"),

57. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 29 square feet (Monroeton, PA Quadrangle; Latitude 41° 43' 47", Longitude -76° 27' 31"),

58. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 2,139 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 15", Longitude -76° 27' 21"),

59. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 3,067 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 34", Longitude -76° 27' 47"),

60. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 3,067 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 34", Longitude -76° 27' 47"),

61. a 24 inch diameter steel natural gas pipeline crossing a Palustrine Emergent Wetland (PEM) impacting 10,833 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 33", Longitude -76° 27' 43"),

62. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 10,833 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 33", Longitude -76° 27' 43"),

63. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 3 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 37", Longitude -76° 28' 03"),

64. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 330 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 35", Longitude -76° 27' 50"),

65. a temporary access road across a Palustrine Emergent Wetland (PEM) impacting 908 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 20", Longitude -76° 26' 59"),

66. a temporary access road across a Palustrine Emergent/Scrub Shrub Wetland (PEM/PSS) impacting 4,386 square feet (Monroeton, PA Quadrangle; Latitude 41° 44' 01", Longitude -76° 27' 21").

The project will temporarily impact 301 linear feet of stream channel and 1.58 acres of wetlands; and permanently impact 0.283 acres of wetlands, all for the purpose of constructing a natural gas gathering pipeline located in Monroe and Towanda Townships, Bradford County that will connect to the Liberty Compressor Station. A Wetland Mitigation will occur at a site (Monroeton, PA Quadrangle; Latitude 41° 44' 03", Longitude -76° 27' 13") along Towanda Creek in Towanda Township.

**E5829-008. PVR Marcellus Gas Gathering, LLC.**, 100 Penn Tower, Suite 201/202, 25 West Third Street, Williamsport, PA 17701; Auburn and Springville Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 16 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 52 lineal feet of White Creek (CWF) (Springville SW, PA Quadrangle; Latitude 41° 39' 25", Longitude -75° 58' 24"),

2. a 16 inch natural gas gathering line crossing impacting 52 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville SW, PA Quadrangle; Latitude 41° 39' 32", Longitude -75° 58' 15"),

3. a 16 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 59 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville SW, PA Quadrangle; Latitude 41° 39' 46", Longitude -75° 58' 04"),

4. a 16 inch natural gas gathering line crossing impacting 1,727 square feet of a Palustrine Emergent Wetland (PEM) (Springville SW, PA Quadrangle; Latitude 41° 39' 50", Longitude -75° 58' 01"),

5. a 16 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 58 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville SW, PA Quadrangle; Latitude 41° 40' 38", Longitude -75° 57' 59"),

6. a 12 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 51 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville NW, PA Quadrangle: Latitude 41° 41' 27", Longitude -75° 57' 50"),

7. a 12 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 10,927 square feet of a Palustrine Emergent Wetland (PEM) (Springville NW, PA Quadrangle: Latitude 41° 41' 51", Longitude -75° 58' 06"),

8. a 12 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 51 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville NW, PA Quadrangle: Latitude 41° 41' 59", Longitude -75° 58' 08"),

9. a 12 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 34,046 square feet of a Palustrine Emergent Wetland (PEM) (Springville NW, PA Quadrangle: Latitude 41° 42' 14", Longitude -75° 58' 07"),

10. a 12 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 54 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville NW, PA Quadrangle: Latitude 41° 42' 14", Longitude -75° 58' 07"),

11. a 16 inch natural gas gathering line using a temporary timber mat bridge crossing impacting 149 lineal feet of an Unnamed Tributary to White Creek (CWF) (Springville, PA Quadrangle: Latitude 41° 38' 45", Longitude -75° 58' 40").

The 9.45 mile natural gas gathering line system is located in Susquehanna and Wyoming Counties. The pipeline will be constructed of 12" and 16" steel natural gas gathering line system connecting the existing Mirabelli Natural Gas Pipeline System to a new compressor station facility and to the existing Tennessee Gas transmission line near Springville, PA. This portion of the project will result in the impact of 576 lineal feet of stream channel and impacting 1.92 acres of Palustrine Emergent (PEM) Wetlands all for the purpose of developing the Marcellus Shale.

## ACTIONS

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>         | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--|-----------------------------|
| PA0084182<br>(Sew)          | Peters Township<br>Municipal Authority<br>Fort Loudon STP<br>5000 Steele Avenue<br>PO Box 19<br>Lemasters, PA 17231          | Franklin County<br>Peters Township   | West Branch<br>Conococheague Creek /<br>13-C | Y                           |
| PA0084191<br>(Sew)          | Peters Township<br>Municipal Authority<br>Mercersburg Junction STP<br>5000 Steele Avenue<br>PO Box 19<br>Lemasters, PA 17231 | Franklin County<br>Peters Township   | West branch<br>Conococheague Creek /<br>13-C | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|---------------------------|
| PA0218316<br>Sewage         | Dunbar Twp. Municipal<br>Authority STP<br>Adelaide Road<br>Dunbar Twp., PA 15431 | Fayette County<br>Dunbar Township    | Youghiogheny River                   | Y                         |

\*\*\*\*Renewal Individuals

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

| <i>NPDES No.<br/>(Type)</i>     | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i>   | <i>EPA Waived<br/>Y/N ?</i> |
|---------------------------------|---|---|--|-----------------------------|
| PA0239836<br>(Sewage)           | Helen & Robert McCanna SFTF<br>8 Deer Run Road<br>Bradford, PA 16701                          | Corydon Township<br>McKean Township     | South Branch Willow<br>Creek 16-B  | Y                           |
| PA0238546<br>(Sewage)           | Ellwood City Forge<br>Ellwood City, PA 16117  | Ellwood City Borough<br>Lawrence County | Connoquenessing Creek<br>20-C  | Y                           |
| PA0238546<br>(Industrial Waste) | PA Fish & Boat Commission<br>Corry Station<br>13365 Route 6<br>Corry, PA 16407                | Wayne Township<br>Erie County           | Unnamed tributary to<br>South Branch French<br>Creek and Spencer<br>Creek 16-A | Y                           |
| PA0100951<br>(Industrial Waste) | Pennsylvania Electric Co<br>Penn Ash Road Site<br>3100 Cooper Road<br>Erie, PA 16510          | Harborcreek Township<br>Erie County     | Four Mile Creek 15   | Y                           |
| PA0103861<br>(Sewage)           | Zoccoli MHP<br>RR 1 Box 215<br>Edinburg, PA 16116   | Mahoning Township<br>Lawrence County    | Unnamed tributary to<br>Shenango River 20-A                                    | Y                           |
| PA0092185<br>(Sewage)           | Peter Rabbit Campground<br>d/b/a Brady Hills MHP<br>153 Lilac Lane<br>Slippery Rock, PA 16057 | Brady Township<br>Butler County         | Big Run 20-C   | Y                           |

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

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

**NPDES Permit No. PA0261653**, Sewage, **Marjorie Greeger**, 1 Alliance Drive, Room 202, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conodoguinet Creek in Watershed 7-B.

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

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

**WQM Permit No. 3410401 Amendment 11-1**, Sewage, **Beale Township**, Village of Walnut, 573 Cider Press Road, Port Royal, PA 17082.

This proposed facility is located in Beale Township, **Juniata County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of septic tanks and a pressure or timed filter prior to sand mound disposal. This permit replaces the lagoon and spray irrigation permit previously issued by the Department.

**WQM Permit No. 2896404 Amendment 11-1**, Sewage, **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201-2515.

This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Permit amendment approval for modification of sewage facilities consisting of the addition of a parallel UV disinfection system.

**WQM Permit No. 3604401**, Sewage, **Marietta Donegal Joint Authority**, 50 Furnace Road, Marietta, PA 17547.

This proposed facility is located in Marietta Borough, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approval for the modification of sewage facilities consisting of a new mechanical screen being installed at the main pump station. The existing SBR system will be modified in order to achieve denitrification. The three existing blowers will be upgraded with previously purchased belts and sheaves to increase the capacity. Also, a fourth blower will be provided. Two additional racks of fine bubble diffusers will be added to each basin. Three existing blowers will be required to meet design conditions with the fourth blower to be used as a stand-by blower.

**WQM Permit No. 3611201**, CAFO, **Mr. Mark Kneisley, Esbenshade Farms**, (North Farm Egg Washwater Storage Pond), 220 Eby Chiquies Road, Mount Joy, PA 17552.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of manure storage facilities consisting of: A 120' x 230' x 12' HDPE lined earthen egg wash water storage pond with an effective storage capacity of 1.26 MG at a 24-inch freeboard.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>  | <i>Receiving Water/Use</i>        |
|-------------------------|---|---------------|----------------------|-----------------------------------|
| PAI01<br>0906008-R      | Reshetar Realty, Inc.<br>PO Box 2045<br>Doylestown, PA 18901                | Bucks         | Springfield Township | Cooks Creek (EV)                  |
| PAI01<br>151114         | Diament Building Corp<br>144 Byers Road<br>PO Box 471<br>Uwchland, PA 19480 | Chester       | Charlestown Township | Pigeon Creek/Pickering Creek (HQ) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                              | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>  |
|-------------------------|--|---------------|---------------------|-----------------------------|
| PAI023907027            | Jaindl Land Company<br>3150 Coffeetown Rd.<br>Orefield, PA 18069 | Lehigh        | Upper Macungie Twp. | Schaefer Run,<br>HQ-CWF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>                            | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|--|----------------------------|
| PAI 0627 11 001         | Ms. Leanne Marten,<br>Forest Supervisor<br>US Forest Service—<br>Allegheny National Forest<br>131 Smokey Lane<br>Marienville PA 16239 | Elk & Forest  | Highland Township<br>Jenks & Howe<br>Townships | Spring Creek HQ; CWF       |

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

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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 &amp; County</i>            | <i>Permit No.</i>          | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i>                          | <i>Contact Office &amp; Phone No.</i>  |
|---|----------------------------|--|---|--|
| Bensalem Township<br>Bucks County           | PAG0200<br>0903046-5       | Keystone Turf Club &<br>Bensalem Racing<br>Association<br>3001 Street Road<br>Bensalem, PA<br>19020-2006 | Neshaminy Creek<br>(WWF-MF)                           | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Upper Makefield<br>Township<br>Bucks County | PAG0200<br>0905091-R       | Toll Brothers, Inc.<br>250 Gibraltar Road<br>Horsham, PA 19044   | Houghs Creek (WWF)                                    | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Bensalem Township<br>Bucks County           | PAG0200<br>0906033-1       | Somerton Valley<br>Homes, LP<br>13451 Damar Drive<br>Philadelphia, PA 19116                              | Poquessing Creek (WWF)                                | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| New Britain<br>Township<br>Bucks County     | PAG0200<br>0911008         | Zavela Custom<br>Homes, LLC<br>4030 Skyron Drive,<br>Suite G<br>Doylestown, PA 18902                     | Tributary North Branch<br>Neshaminy Creek<br>(WWF-MF) | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Downingtown<br>Borough<br>Chester County    | PAG0200<br>1511029-Phase I | Saint Joseph Church<br>and Parish<br>460 Manor Avenue<br>Downingtown, PA 19335                           | Unnamed Tributary<br>Beaver Creek (CWF)               | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| West Goshen<br>Township<br>Chester County   | PAG0200<br>1506017-R       | Jerrehian PA, GP<br>101 West Washington<br>Street<br>Conshohocken, PA 19428                              | Taylor's Run (TSF)                                    | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Sadsbury Township<br>Chester County         | PAG0200<br>1510013         | Sadsbury Commons, LP<br>795 East Lancaster Ave,<br>Suite 200<br>Villanova, PA 19085                      | Buck Run (TSF-MF)                                     | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |



| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>                      | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|----------------------|--|---|--|
| Birmingham<br>Township<br>Chester County                    | PAG0200<br>1511030   | Radley Run<br>Country Club<br>1100 Country Club Road<br>West Chester, PA 19382   | Radley Run (WWF)                                      | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| West Goshen<br>Township<br>Chester County                   | PAG0200<br>151108-R  | Westrum Lane<br>Development LLC<br>370 Commerce Drive,<br>Suite 100<br>Fort Washington, PA<br>19034                            | East Branch Chester<br>Creek (TSF)                    | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| West Whiteland<br>Township<br>Chester County                | PAG0200<br>1511031   | West Whiteland<br>Township<br>101 Commerce Drive<br>Exton, PA 19341  | Valley Creek (CWF-MF)                                 | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| Chadds Ford<br>Township<br>Delaware County                  | PAG0200<br>2311005   | Ludwig Bruggeman<br>15 Reese Avenue,<br>Suite 200<br>Newtown Square, PA<br>19073   | Harvey Run (WWF-MF)                                   | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| Bethel Township<br>Delaware County                          | PAG0200<br>2305052-R | 1515 Limited<br>Partners, LP<br>86 Jansen Avenue<br>Essington, PA 19029  | Spring Run (WWF)                                      | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| Pottstown Township<br>Montgomery County                     | PAG0200<br>4606045-R | Fulton Financial<br>1 Penn Square<br>Lancaster, PA 17602   | Schuylkill River (CSF)                                | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| City of Philadelphia<br>Philadelphia<br>County              | PAG0201<br>511018    | Northwest 15th<br>Street Associates<br>A Pennsylvania LP<br>300 Barr Harbour Dr<br>Suite 750<br>West Conshohocken, PA<br>19428 | Schuylkill River<br>(WWF-MF)                          | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                                       |
| Pittston Township,<br>Luzerne County                        | PAG02004011013       | Wilkes-Barre/Scranton<br>International Airport<br>Stephen Mykulyn<br>100 Terminal Drive<br>Avoca, PA 18641                     | Mill Creek, CWF, MF                                   | Luzerne Co.<br>Cons. Dist.<br>570-674-7991   |
| Stroud Township,<br>Monroe County                           | PAG02004511001       | Kulp Foundry, Inc.<br>c/o Mr. Kevin Detrick<br>1349 Jacobsburg Rd.<br>Wind Gap, PA 18091                                       | Brodhead Creek,<br>TSF, MF                            | Monroe Co.<br>Cons. Dist.<br>570-629-3060  |
| City of Reading<br>Berks County                             | PAG02000611029       | Johnson, Ralph<br>City of Reading<br>815 Washington Street<br>Reading, PA 19601  | Schuylkill River (WWF)<br>and Angelica Creek<br>(CWF) | Berks County<br>Conservation Dist.<br>1238 County Welfare Rd,<br>Ste 200<br>Leesport, PA 19533-9710<br>610.372.4657,<br>Ext. 142 |
| Maidencreek<br>Township<br>Berks County                     | PAG02000611026       | Folino, Marco<br>Rodolfo Folino & Sons<br>68 South Hampton Drive<br>Wyomissing, PA 19610                                       | Willow Creek (CWF, MF)                                | Berks County<br>Conservation Dist.<br>1238 County Welfare Rd,<br>Ste 200<br>Leesport, PA 19533-9710<br>610.372.4657,<br>Ext. 142 |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|---|--------------------------------|--|
| Susquehanna Township,<br>Dauphin County                     | PAG02002211020    | Ernst Mishra RE Associates, LLC<br>4075 Linglestown Rd<br>Suite 359<br>Harrisburg, PA 17112             | Paxton Creek (WWF)             | Dauphin Co.<br>Conservation District<br>1451 Peters Mountain Rd<br>Dauphin, PA 17018 |
| Susquehanna Township,<br>Dauphin County                     | PAG02002211013    | Chris Curtis<br>Curtis Investment—<br>Harrisburg, LLC<br>5641 SMU Blvd<br>Suite 100<br>Dallas, TX 75206 | Paxton Creek (WWF)             | Dauphin Co.<br>Conservation District<br>1451 Peters Mountain Rd<br>Dauphin, PA 17018 |
| City of Harrisburg,<br>Dauphin County                       | PAG02002211023    | Norfolk Southern Railway Company<br>1200 Peachtree St<br>NE-Box 13<br>Atlanta, GA 30309                 | Paxton Creek (WWF, MF)         | Dauphin Co.<br>Conservation District<br>1451 Peters Mountain Rd<br>Dauphin, PA 17018 |

*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>                   | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|--|---|
| Bellefonte Borough<br>Spring Township<br>Centre County      | PAG2001411010     | PA Dept of Transportation<br>District 2-0<br>PO Box 342<br>Clearfield, PA 16830 | UNT to Spring Creek<br>HQ-CWF<br>Spring Creek MF | Centre County<br>Conservation District<br>414 Holmes Ave Ste 4<br>Bellefonte PA 16823<br>(814) 355-6817 |

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

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>             | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>        | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|---------------------------------------|---|
| Indiana County<br>Burrell Township                                      | PAG020003211007   | H&W Global Industries, Inc.<br>625 Kolter Drive,<br>Suite 4,<br>Indiana, PA 15701   | Blacklick Creek (CWF)                 | Indiana County CD<br>625 Kolter Drive,<br>Suite 8,<br>Indiana, PA 15701-3571      |
| Washington County<br>Chartiers Township<br>& South Strabane<br>Township | PAG02006310005R   | PennDOT District 12-0<br>825 North Gallatin<br>Avenue<br>Uniontown, PA 15401  | Chartiers Creek (WWF)                 | Washington County CD<br>100 West Beau Street<br>Suite 105<br>Washington, PA 15301 |
| Washington County<br>Chartiers Township                                 | PAG0206311002     | Stone & Company<br>P. O. Box 776<br>Connellsville, PA 15425   | Plum Run (WWF)                        | Washington County CD<br>100 West Beau Street<br>Suite 105<br>Washington, PA 15301 |
| Westmoreland<br>County<br>Hempfield<br>Township                         | PAG02006511005    | Commonwealth of PA Dept. of General Services—<br>Richard E. Miller<br>Public Works Complex<br>18th & Herr Streets<br>Harrisburg, PA 17125 | Jacks Run (WWF)                       | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                       |
| Westmoreland<br>County City of<br>Lower Burrell                         | PA02006511004     | Hanson Aggregates<br>BMC, Inc.—Joseph P.<br>Conte & Ronald Kurpiel<br>3100 Seventh Street<br>Road<br>Lower Burrell, PA<br>15068-3701      | Unt. To Little Pucketa<br>Creek (TSF) | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                       |

*Facility Location:  
Municipality &  
County*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>  | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|--------------------|---|--------------------------------|--|
| Westmoreland<br>County<br>Hempfield<br>Township             | PAG02006511013     | Hempfield Township<br>Supervisors<br>1132 Woodward Drive<br>Greensburg, PA 15601  | Township Line Run<br>(WWF)     | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                                      |
| Westmoreland<br>County<br>Murrysville                       | PAG02006511008     | Hills Church Associates,<br>LP—J. Michael Ruefle<br>P. O. Box 420<br>Murrysville, PA 15668                                    | Unt. To Turtle Creek<br>(TSF)  | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                                      |
| Westmoreland<br>County<br>Allegheny Township                | PAG02006510032     | Sevic Landscape &<br>Supply—Daniel L.<br>Sevic, Jr. & Ronald<br>Kurpiel<br>4749 Leechburg Road<br>New Kensington, PA<br>15068 | Unt. To Chartiers Run<br>(TSF) | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                                      |
| Westmoreland<br>County<br>City of Lower<br>Burrell          | PAG2006505022      | Gary M. Sukala<br>1723 Ridge Avenue<br>Arnold, PA 15068   | Chartiers Creek (TSF)          | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                                      |
| Westmoreland<br>County<br>Export Borough                    | PAG02006510024     | Westmoreland County<br>Industrial Development<br>Corporation—Jay P.<br>Bandiermonte   | Unt. To Turtle Creek<br>(TSF)  | Westmoreland CD<br>218 Donohoe Road<br>Greensburg, PA 15601                                      |
| Beaver Township<br>Crawford County                          | PAG02 0020 11 007  | Bortnick Dairy LLC<br>21820 Palmer Rd<br>Conneautville PA 16406   | Stone Run CWF; MF              | Crawford Conservation<br>District<br>814-763-5269  |
| Vernon Township<br>Crawford County                          | PAG02 0020 11 008  | Crawford Central<br>School District<br>11280 Mercer Pike<br>Meadville PA 16335  | UNT Watson Run WWF             | Crawford Conservation<br>District<br>814-763-5269  |
| Ridgway Borough<br>Elk County                               | PAG02 0024 11 001  | PA DOT Eng.<br>District 2-0<br>1924-30 Daisy Street<br>Clearfield PA 16830  | Elk Creek CWF                  | Elk Conservation<br>District<br>814-776-5373   |
| Sandycreek<br>Township<br>Venango County                    | PAG02 0061 11 006  | Sandycreek Township<br>878 Pone Lane<br>Franklin PA 16323   | Morrison Run WWF               | Venango Conservation<br>District<br>814-676-2832   |
| Shenango Township<br>Lawrence County                        | PAG02 0037 09 003R | New Castle<br>Transit Auth<br>Attn: Mr. Leonard<br>Lastoria<br>311 Mahoning Avenue<br>New Castle PA 16102                     | UNT Big Run WWF                | Lawrence Conservation<br>District<br>724-652-4512  |
| Butler County,<br>Parker Township                           | PAG2091011005      | Bureau of Abandoned<br>Mine Reclamation<br>Cambria Office<br>286 Industrial Park<br>Road<br>Ebensburg, PA<br>15931-4119       | North Branch Bear<br>Creek/CWF | PA DEP Cambria Office<br>286 Industrial Park Road<br>Ebensburg, PA<br>15931-4119<br>814-472-1800 |

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>            |
|---|-------------------|---|--------------------------------|--|
| Montgomery<br>Township<br>Montgomery County                 | PAR230021         | Illinois Tool Works<br>dba Philadelphia<br>Resins Corp.<br>130 Commerce Drive<br>Montgomeryville, PA<br>18936 | Park Creek (2-F)               | Southeast Region<br>Water Management<br>484.250.5970 |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>          | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|---|---|--|
| City of Philadelphia<br>Philadelphia<br>County              | PAR600107         | Fifth Street Auto<br>Parts, Inc.<br>3105 North 5th Street<br>Philadelphia, PA 19133           | Frankford Creek—3J                        | Southeast Region<br>Water Management<br>484.250.5970   |
| City of Philadelphia<br>Philadelphia<br>County              | PAR600108         | Fifth Street Auto<br>Parts, Inc.<br>3105 North 5th Street<br>Philadelphia, PA 19133           | Frankford Creek—3J                        | Southeast Region<br>Water Management<br>484.250.5970   |
| Tredyffrin Township<br>Chester County                       | PAR800063         | United States<br>Postal Service<br>1000 West Valley Road<br>Southeastern, PA 19399            | Unnamed Tributary to<br>Trout Creek—3-F   | Southeast Region<br>Water Management<br>484.250.5970   |
| Williams Twp.<br>Northampton<br>County                      | PAR502202         | Chrin Brothers, Inc.<br>635 Industrial Drive<br>Easton, PA 18042                              | Lehigh River (WWF, MF)                    | PA DEP Northeast<br>Regional Office<br>2 Public Square<br>Wilkes-Barre, PA<br>18701-1915<br>570-826-2511 |
| North Manheim<br>Twp.<br>Schuylkill County                  | PAR602235         | Weiner Iron & Metal<br>Corporation<br>PO Box 359<br>1056 Rt. 61 South<br>Pottsville, PA 17901 | Schuylkill River, Main<br>Stern (CWF, MF) | PA DEP Northeast<br>Regional Office<br>2 Public Square<br>Wilkes-Barre, PA<br>18701-1915<br>570-826-2511 |

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

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>                  | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|---|---|
| Brookville Borough<br>Jefferson County                      | PAR808390         | Schlumberger<br>Technology Corp.<br>147 Industrial Parkway<br>Brookville, PA 15825 | Millcreek 17-C                                    | DEP NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>814/332-6942 |
| North East Borough<br>Erie County                           | PAR208321         | Ridg-U-Rak, Inc.<br>120 South Lake Street<br>North East, PA 16428                  | Municipal Storm Sewers<br>to Sixteenmile Creek 15 | DEP NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>814/332-6942 |

*General Permit Type—PAG-4*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                         | <i>Receiving<br/>Water / Use</i>          | <i>Contact Office &amp;<br/>Phone No.</i>            |
|---|-------------------|---|---|--|
| Richland Township<br>Bucks County                           | PAG040157         | Wagner, Louis J., Jr.<br>10 Shelly Road<br>Quakertown, PA 18951 | Unnamed Tributary to<br>Tohickon Creek—2D | Southeast Region<br>Water Management<br>484-250-5970 |

*General Permit Type—PAG-8*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Site Name &amp;<br/>Location</i>                        | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|--|--|
| Bedford County /<br>South Woodbury<br>Township              | PAG083604         | South Woodbury<br>Township Sewage<br>Treatment Plant<br>1401 Woodbury Pike<br>Loysburg, PA 16659 | Walnut Grove<br>Farm King Road New<br>Enterprise, PA 16664 | DEP—SCRO—<br>Water Management<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |

*Facility Location:  
Municipality &  
County*Mifflin County /  
Granville Township

Permit No.

PAG083606

*Applicant Name &  
Address*Granville Township  
Sewer & Water  
Department  
6310 SR 103 North  
Lewistown, PA 17044*Site Name &  
Location*Steven Byler Farm  
206 Brought Farm Drive  
Lewistown, PA 17044*Contact Office &  
Phone No.*DEP—SCRO—  
Water Management  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Brookhaven  
Borough Parkside  
Borough and City  
of Chester  
Delaware County

Permit No.

PAG100034

*Applicant Name &  
Address*Texas Eastern  
Transmission, LP  
890 Winter Street  
Suite 300  
Waltham, MA 02451*Receiving  
Water/Use*

Ridley Creek—3-G

*Contact Office &  
Phone No.*Southeast Region  
Water Management  
484-250-5970*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Lancaster County /  
Mount Joy  
Township

Permit No.

PAG123709

*Applicant Name &  
Address*Philip Hoover  
(CYN Mt Joy  
Poultry Farm)  
2862 Harvest Road  
Elizabethtown, PA 17022*Receiving  
Water/Use*

7-G

*Contact Office &  
Phone No.*DEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-482**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<br/>Name and Address</i>                                | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>Special Protection<br/>Waters (HQ or<br/>EV or NA)</i> | <i>Approved or<br/>Disapproved</i> |
|---|---------------|------------------------|--|------------------------|---|------------------------------------|
| Robert Gochenaur<br>Stone Chimney Hollow<br>3449 Delta Road<br>Airville, PA 17302 | York          | 49.77                  | 478.11                                 | Swine and<br>Turkey    | NA  | Approved<br>9/8/2011               |

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

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

**Permit No. 0911546** Public Water Supply  
 Applicant **Richland Township Water Authority**  
 1328 California Road  
 Suite D  
 Quakertown, PA 18951  
 Township Richland  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Van Cleef Engineering Associates  
 501 N. Main Street  
 Doylestown, PA 18901  
 Permit to Construct August 9, 2011  
 Issued

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

**Permit No. 2580040**, Minor Amendment.  
 Applicant **Susquehanna Water Company, LLC**  
 27 Johnson Road  
 Clarks Summit, PA. 18411  
 [Township or Borough] Bridgewater Township,  
**Susquehanna County**

Responsible Official Mr. Blachek  
 Type of Facility Public Water Supply  
 Consulting Engineer NA  
 Permit Issued Date August 23, 2011  
 Description of Action This minor amendment changes ownership of the water supply serving the Montrose Terrace Mobile Home Park to Susquehanna Water Company, LLC.

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

**Operations Permit** issued to **Waterford Municipal Authority**, PWSID #6250065, Waterford Borough, **Erie County**. Permit Number 2511502 issued September 9, 2011 for the operation of Chlorine Contact Pipelines. This permit is issued in response to an operation inspection conducted by Department personnel on August 29, 2011.

**Operations Permit** issued to **Sugarcreek Mobile Home Park**, PWSID #6200006, Wayne Township, **Crawford County**. Permit Number 2010503 issued September 9, 2011 for the operation of Sugarcreek Mobile Home Park. This permit is issued in response to an operation inspection conducted by Department personnel on August 30, 2011.

**Permit No. 6111502**, Public Water Supply.  
 Applicant **Clintonville Borough Water Treatment Plant**  
 [Borough or Township] Clintonville Borough  
 County **Venango**  
 Type of Facility PWS  
 Consulting Engineer Joseph Pacchioni Herbert  
 Rowland & Grubic Inc  
 3755 East State Street  
 Hermitage, PA 16148  
 Permit to Construct September 6, 2011  
 Issued

**Permit No. 3709504-MA1**, Public Water Supply.  
 Applicant **Pennsylvania American Water**  
 [Borough or Township] Jackson Township  
 County **Butler**  
 Type of Facility PWS  
 Consulting Engineer Jerry Hankey, PE  
 Pennsylvania American  
 Water Company  
 1909 Oakland Avenue  
 Indiana, PA 15701  
 Permit to Construct September 2, 2011  
 Issued

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>   | <i>County</i> |
|----------------------------|--------------------------------------|---------------|
| Bedford Township           | 1037 Shed Road,<br>Bedford, PA 15522 | Bedford       |

*Plan Description:* The approved plan provides for the construction of sewage collection and conveyance facilities to serve the areas of Blattenburg/Camp Hughes, Yount, Imlertown, Briar Valley Road, Belden, Camp Sunshine, Wolfsburg and Bedford Springs as defined in the Plan. The proposed sewer extensions will be connected to the existing Bedford Township Municipal Authority collection system and tributary to the Municipal Authority of Bedford Borough sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>                 | <i>County</i> |
|----------------------------|--|---------------|
| Clay Township              | 21188 Dug Hill Road,<br>Three Springs, PA<br>17264 | Huntingdon    |
| Saltillo Borough           | PO Box 89,<br>Saltillo, PA 17253                   | Huntingdon    |
| Three Springs Borough      | 8444 Hudson Street,<br>Three Springs, PA<br>17264  | Huntingdon    |

*Plan Description:* The approved plan provides for the replacement of the existing sewage treatment plant with the construction of a Sequencing Batch Reactor with a design flow (maximum monthly) of 0.17 MGD. The plan also provides for post equalization, chlorination/dechlorination/post aeration, and reed sludge bed facilities. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Settlement Under HSCA/CERCLA

#### Franklin Slag City of Philadelphia, Philadelphia County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. Section 6020.101 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601 et seq., and the United States have entered into a proposed Consent Decree with the Schwab Family Partnership, the Franklin Smelting & Refining Corporation, Francos Realty, Inc., MDC Industries, Inc., Albert Schwab, Michael Saltzburg, Betty Saltzburg, Betty Saltzburg as Executrix of the Estate of David Saltzburg, Susan Saltzburg, Roger Schwab, and Ann Schwab Brown (collectively "Defendant Group") relating to the Franklin Slag and Franklin Smelting Superfund Sites in Philadelphia, PA.

The Franklin Smelting Site is located at or near 3100 Castor Avenue in northeast Philadelphia. Various smelting operations were conducted at the Site from 1935 until 1997. As a result of the operations at the Franklin Smelting Site, hazardous substances were disposed and there was a release or threatened release of these hazardous substances into the environment. The Franklin Slag Site is located adjacent to the Franklin Smelting Site. Beginning in the 1930's, mineral grit and slag wastes from the smelting operations were deposited at the Slag Site. As a result of these activities, hazardous substances have been disposed and there was a release or threatened release of hazardous substances into the environment.

Both the USEPA and the Commonwealth have implemented certain response actions at the Franklin Smelting and Franklin Slag sites. Between 1998 and 2000, the USEPA conducted removal response actions at and in connection with the Franklin Smelting Site. Since 2000, the USEPA has conducted removal response and investigational response actions at the Franklin Slag Site. The USEPA and the Commonwealth are in the process of determining final remedial response actions for the Franklin Slag Site. As a result of these actions, the USEPA and the Commonwealth have both incurred response costs within the meaning of CERCLA and HSCA.

The Consent Decree constitutes an ability-to-pay settlement wherein the United States and the Commonwealth will share the recovery of certain monies on an 85%/15% basis. Under the terms of the Consent Decree, the Defendant Group will make an initial payment to the United States and the Commonwealth in a total amount of \$3,275,000. In addition, the Consent Decree provides a process for the sale of certain stock assets and real properties held by members of the Defendant Group and distribution of the proceeds from those sales to the United States and the Commonwealth. Lastly, the Consent Decree provides for the transfer of potential collection rights under certain insurance policies to the United States and the Commonwealth.

The Parties have lodged the proposed Consent Decree with the United States District Court for the Eastern District of Pennsylvania for notice and public comment. This notice is provided pursuant to Section 1113 of HSCA, 35 P. S. § 6020.1113. The Consent Decree may be examined from 8 AM to 4 PM at the Department's offices at 2 East Main Street, Norristown, PA by contacting Anderson Lee Hartzell at 484-250-5866. A public comment period on the Settlement Agreement will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding the proposed Consent Decree to the Department by submitting them to Mr. Hartzell at the above address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to

document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Agouridis MHP**, Lot #4, 454 West Main Street, Lot No. 4, Mount Joy, PA, 17552, Mount Joy Borough, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Nick Agouridis, 160 Stanley Avenue, Landisville, PA 17538, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Lycoming County Hunting & Fishing Club**, Cogan House Township **Lycoming County**. Groundwater & Environmental Services, Inc., 1350 Washington Blvd., Williamsport, PA 17701 on behalf of Anadarko Petroleum Corporation, 1201 Lake Robbins Dr., The Woodlands, TX 77380 has submitted a Final Report within 90 days of release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Turkey Hill Dairy**, Manor Township, **Lancaster County**. EPSYS LLC, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103-1049, on behalf of Turkey Hill Dairy, 2601 River Road, Conestoga, PA 17516-9630, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and diesel fuel from unregulated underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 12, 2011.

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

**Coryland Spill Site**, Wells Township **Bradford County**. Environmental Resources Management, 350 Eagle View Blvd., Suite 200, Exton, PA 19341 on behalf of



Edger Enterprises, RR 1248C Route 6, Towanda, PA 18848 has submitted a Final Report within 90 days concerning the remediation of site soil contaminated with diesel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 6, 2011.

#### RESIDUAL WASTE GENERAL PERMITS

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

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

#### Correction

**General Permit No. WMGR097. E & E Metal Fabrications, Inc., 110 North 16th Street, Lebanon, PA 17046**

General Permit numbered WMGR097019 is for beneficial use involving the demonstration of a Combined Heat and Power (CHP) unit, to be used to generate clean, point of use power using a variety of low-grade feedstocks such as: municipal green wastes, forestry industry wastes, food processing wastes, agricultural wastes and biosolids wastes. This residual waste general permit was issued by the Central Office on August 20, 2011.

Persons interested in reviewing the general permit may contact Scott Walters, Chief, General Permits and 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.

#### AIR QUALITY

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

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

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

**39-310-044GP3: Northledge LLC** (930 East Market Street, Bethlehem, PA 18017) on August 30, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Whitehall Township, **Lehigh County**.

**39-329-016GP9: Northledge, LLC** (930 East Market Street, Bethlehem, PA 18017) on August 30, 2011, to install and operate Diesel I/C engines at their site in Whitehall Township, **Lehigh County**.

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

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

**GP3-21-GL-11-02: John. W. Gleim Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013) on September 7, 2011, to relocate a crusher, screen and two (2) conveyors to their Excel Warehouse/Royer Tract site on Logistics Drive in Carlisle Borough, **Cumberland County**.

**GP11-21-GL-11-02: John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013) on September 7, 2011, to relocate two (2) non-road engines to their Excel Warehouse/Royer Tract site on Logistics Drive in Carlisle Borough, **Cumberland County**.

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

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

**GP3-57-057: Jack L. McClintock** (15222 US Highway 220, Muncy Valley, PA 17758) on August 29, 2011, to construct and operate of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Pit No. 2 facility in Shrewsbury Township, **Sullivan County**.

**GP9-57-057: Jack L. McClintock** (15222 US Highway 220, Muncy Valley, PA 17758) on August 29, 2011, to construct and operate a 250 brake horsepower, Cummins model 46218424 diesel-fired engine and a 100 brake horsepower Deutz model TCD2012L04 2V diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their Pit No. 2 facility in Shrewsbury Township, **Sullivan 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*

**GP14-26-00560: Ferguson Funeral Home & Crematory** (700 Broad Avenue, Belle Vernon, PA 15012) on September 8, 2011, to operate a human cremation unit at their Ferguson Funeral Home & Crematory in Belle Vernon Borough, **Fayette 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.**

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

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

**08-399-019E: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on September 6, 2011, to construct and operate a process reactor (CR-6) and associated control devices for their facility in North Towanda Township, **Bradford County**.

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

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

**20-040G: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on September 8, 2011, to install a Torit baghouse to serve the facility's scrap pre-heat operation and to install a newer Beckert &

Heister baghouse to serve the Goff Spinner-Hanger shot blast and the East Cleaning Machine, West Cleaning Machine and the Wheelabrator Belt Blast which currently exhaust through two existing baghouses that will be retired in Vernon Township, **Crawford County**. This is a Title V facility.

**25-979A: National Fuel Gas Supply Corp.—Carter Hill Station** (1100 State Street, Erie, PA 16512) on September 8, 2011, to install a non-selective catalytic reduction (NSCR) catalyst on an existing natural gas compressor engine at their Carter Hill Compressor Station facility in Wayne Township, **Erie County**.

**62-017T: United Refining Co.** (15 Bradley Street Box 780, Warren, PA 16365) on September 1, 2011, to construct a replacement refinery reactor at their Warren Refinery in Warren City, **Warren County**.

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

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

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

**46-0026E: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) On September 2, 2011, to operate a thermal oxidizer Upper Providence Township, **Montgomery County**.

**46-0026F: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) On September 2, 2011, to operate a thermal oxidizer Upper Providence Township, **Montgomery County**.

**09-0212: Nova Tube & Steel, Inc.** (600 Dean Sievers Place, Morrisville, PA 19067) On September 9, 2011, to operate a paint line Falls Township, **Bucks County**.

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

**54-00062: World Resources Company** (170 Walnut Lane, Pottsville, PA 17901-8559) on September 13, 2011, to operate of nonferrous metal (except aluminum) production and processing facility in Norwegian Township, **Schuylkill County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**67-05092: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402-8035) on September 1, 2011, for their coffee manufacturing facility in East Manchester Township, **York County**. The State-only permit was renewed.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**62-00163: IA Construction Corp.—Garland Mine** (PO Box 290, Homer City, 15748) on September 6, 2011, issued a new State Only Operating Permit for their facility in Pittsfield Township, **Warren County**. The facility is a Synthetic Minor. The primary sources at the facility are a Stationary Sand & Gravel Plant and a Portable Sand & Gravel Plant. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**65090102 and NPDES Permit No. PA0251640. Coal Loaders, Inc.** (210 East Main Street, Ligonier, PA 15658). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Bell Township, **Westmoreland County**, affecting 184.6 acres. Receiving streams: unnamed tributaries to Wolford Run and Kiskiminetas River. Application received: April 22, 2009. Permit issued: September 2, 2011.

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

**17950104 and NPDES No. PA0220035. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine for reclamation activities only located in Beccaria Township, **Clearfield County** affecting 81.4 acres. Receiving streams: unnamed tributaries to Cofinan Run and Cofinan Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 5, 2011. Permit issued: September 2, 2011.

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

**40110201. Mineral Reclamation, LLC**, (30 Market Street, Pittston, PA 18640), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Dupont and Avoca Boroughs, **Luzerne County** affecting 25.3 acres, receiving stream: Mill Creek. Application received: March 15, 2011. Permit issued: August 29, 2011.

**40110201GP104. Mineral Reclamation, LLC**, (30 Market Street, Pittston, PA 18640), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40110201 in Dupont and Avoca Boroughs, **Luzerne County**, receiving stream: Mill Creek. Application received: March 15, 2011. Permit issued: August 29, 2011.

**40-305-007GP12. Mineral Reclamation, LLC**, (30 Market Street, Pittston, PA 18640), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40110201 in Dupont and Avoca Boroughs, **Luzerne County**. Application received: March 15, 2011. Permit issued: August 29, 2011.

*Noncoal Permits Actions*

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

**26900306 and NPDES Permit No. PA0591483. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mine located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving stream: unnamed tributary to Connell Run. Application received: December 8, 2010. NPDES renewal issued: September 2, 2011.

**3378NC17 and NPDES Permit No. PA0592579. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mine located in Connellsville Township, **Fayette County**, affecting 73.5 acres. Receiving streams: unnamed tributaries to Connell Run and Connell Run. Application received: December 22, 2010. NPDES renewal issued: September 2, 2011.

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

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103.

**4110001. E & J Construction LLC** (1842 Masten Road, Canton, PA 17724), revision and extension to general permit authorized to extract stone in McNett Township, **Lycoming County** to provide fill material to Chief Oil & Gas LLC well pad and impoundment. Receiving stream(s): North Pleasant Stream, Pleasant Stream. Application received: August 1, 2011. Revision issued August 25, 2011.

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

**64940302C10 and NPDES Permit No. PA0223387. Bedrock Quarries, Inc.**, (PO Box 1467, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Damascus Township, **Wayne County**, receiving stream: unnamed tributary to North Branch Calkins Creek. Application received: February 3, 2011. Renewal issued: September 12, 2011.

**4873SM8C and NPDES Permit No. PA0594644. Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**, receiving stream: unnamed tributary to Codorus Creek. Application received: May 2, 2011. Renewal issued: September 12, 2011.

**4875SM2A2C10 and NPDES Permit No. PA0119563. Glen-Gery Corp.**, (PO Box 7001, Wyomissing, PA 19610),

renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**, receiving stream: Fox Run and unnamed tributary to Fox Run. Application received: May 13, 2011. Renewal issued: September 12, 2011.

**4874SM2C2 and NPDES Permit No. PA0123544. Penny Supply, Inc. dba Oldcastle Industrial Minerals**, (550 S. Biesecker Road, Thomasville, PA 17364), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: Little Conewago Creek. Application received: July 7, 2011. Renewal issued: September 12, 2011.

**67000301C3 and NPDES Permit No. PA0224065. Penny Supply, Inc. dba Oldcastle Industrial Minerals**, (550 S. Biesecker Road, Thomasville, PA 17364), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: Little Conewago Creek. Application received: July 7, 2011. Renewal issued: September 12, 2011.

**GENERAL PERMIT FOR SHORT-TERM CONSTRUCTION PROJECTS**

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

**58101004. Popple Construction, Inc.**, (215 E. Saylor Avenue, Laffin, PA 18702) authorization to extract stone in Rush Township, **Susquehanna County** to construct gas well pads for Marcellus Shale Well Pads-2 Project, receiving stream: North Branch Wyalusing Creek. Authorization approved: September 6, 2011.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**17114006. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744). Blasting for the Carrizo-CC-07 project located in Gulich Township, **Clearfield County**. Permit issued: August 23, 2011. Permit expires: October 1, 2011.

**53114003. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Blasting for the Roulette property located in Roulette Township, **Potter County**. Permit issued: July 7, 2011. Permit expires: December 31, 2011.

**59114107. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241). Blasting for a pipeline located in Union Township, **Tioga County**. Permit issued: September 7, 2011. Permit expires: September 2, 2012.

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

**36114152. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Henry Stoltzfus manure pit in East Hempfield Township,

**Lancaster County** with an expiration date of October 30, 2011. Permit issued: August 30, 2011.

**36114153. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Turkey Hill Gas Station in Manheim Township, **Lancaster County** with an expiration date of August 26, 2012. Permit issued: August 30, 2011.

**48114114. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting at the Bethlehem Landfill in Bethlehem Township, **Northampton County** with an expiration date of August 1, 2012. Permit issued: August 30, 2011.

**64114112. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Roger Swingle horse barn in Sterling Township, **Wayne County** with an expiration date of August 31, 2012. Permit issued: August 30, 2011.

**36114154. J Roy's, Inc.**, (PO Box 125, Bowmansville, PA 17507), construction blasting for Kirby Agri in East Hempfield Township, **Lancaster County** with an expiration date of August 27, 2012. Permit issued: August 31, 2011.

**09114107. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for The Ridings at Folly Farms in Warrington Township, **Bucks County** with an expiration date of June 20, 2012. Permit issued: September 1, 2011.

**38114117. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Northside Crossing Phases 4 & 6 in South Londonderry Township, **Lebanon County** with an expiration date of August 30, 2012. Permit issued: September 1, 2011.

**46114106. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for General Hancock Hotel in Montgomery Township, **Montgomery County** with an expiration date of August 29, 2012. Permit issued: September 1, 2011.

**58114131. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Jian Greico Well Pad in Forest Lake Township, **Susquehanna County** with an expiration date of August 26, 2012. Permit issued: September 1, 2011.

**67114111. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Clark Industries in Conewago Township, **York County** with an expiration date of February 23, 2012. Permit issued: September 1, 2011.

**48114115. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Chris Commerce Center Phase II in Palmer and Lower Nazareth Townships, **Northampton County** with an expiration date of September 14, 2012. Permit issued: September 2, 2011.

**48114116. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Chrin Commerce Center in Palmer Township and Tatamy Borough, **Northampton County** with an expiration date of September 14, 2012. Permit issued: September 2, 2011.

**58114029. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Range Unit 19 Well Pad in New Milford Township, **Susquehanna County** with an expiration date of December 31, 2011. Permit issued: September 2, 2011.

**36114155. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Lanchester Landfill in Caernarvon Township, **Lancaster County** with an expiration date of August 31, 2012. Permit issued: September 7, 2011.

**45114124. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2012. Permit issued: September 7, 2011.

**45114125. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for South Ridge Estates in Price Township, **Monroe County** with an expiration date of August 31, 2012. Permit issued: September 7, 2011.

**45114126. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Sunrise Village in Smithfield Township, **Monroe County** with an expiration date of August 31, 2012. Permit issued: September 7, 2011.

**52114110. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Oak Ridge Estates in Dingman Township, **Pike County** with an expiration date of August 31, 2012. Permit issued: September 7, 2011.

**15114109. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Tel Hai Camp in Honey Brook Township and Honey Brook Borough, **Chester County** with an expiration date of August 27, 2011. Permit issued: September 9, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E08-474. Pennsylvania Department of Transportation**, Engineering District 3-0, PO Box 218, Montoursville, PA 17754-0218. S.R.1029, Section 002, Segment 0190, Offset 0000, Bridge Replacement Project. Sheshequin Township, **Bradford County**, ACOE Baltimore District (Litchfield, PA Quadrangle N: 41° 53' 26"; W: 76° 24' 57").

PA DOT Engineering District 3-0 proposes to remove the existing single span steel I-beam bridge with reinforced concrete abutments and wing walls. The existing structure has a total clear span from abutment face to abutment face of 38.5' with a normal clear span of 21.2'. The structure is on approximately a 35° skew to the roadway baseline. The stream alignment with the structure is poor. To construct and maintain a 22.0' normal span precast concrete box culvert with an 11.0' clear height depressed 1' resulting in a minimum underclear of 10.0' and a skew of 45° carrying S.R. 1029 over Bullard Creek. The total estimated stream disturbance is approximately 140' of temporary stream impact. There will be approximately 347 ft<sup>2</sup> (0.01 acres) of permanent wetland impacts and 1541 ft<sup>2</sup> (0.04 acres) of temporary wetland impacts. Bullard Creek are classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation. This permit also includes 401 Water Quality Certification.

**E12-181. Philip J. Knarr**, 641 Sizerville Road, Emporium, PA 15834-3953. Knarr Re-Construction of Porch and Carport on Single Residence Dwelling in Portage Creek—Sinnemahoning Floodway, Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle Latitude: 41° 30' 57.4"; Longitude: 78° 12' 59.8").

The applicant proposes to remove an existing porch and carport on a residential dwelling and reconstruct, operate and maintain the 16-foot x 6-foot porch and 24-foot x 16-foot carport that is located in the 100-year floodway of Portage Creek, Sinnemahoning. Reconstruction of the porch and carport shall be completed with no placement of fill. Flood storage capacity and water surface elevation shall be unaltered by the project, as the reconstruction shall be limited to pre-existing conditions, dimensions and configurations. The project is located along the western right-of-way of SR 0155 approximately 2500-feet north of

SR 0120 and SR 0150 intersection. This permit was issued under Section 105.13(e) "Small Projects."

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

**E26-357. Saltlick Township**, P. O. Box 403, 147 Municipal Road, Melcroft, PA 15462. To remove the existing bridge structure on Keslar School Road (T-818) and to construct and maintain an 18-foot wide by 5-foot high by approximately 33-foot long box culvert with baffles, wingwalls, outlet protection, and stream bank stabilization across an unnamed tributary to Little Champion Creek (CWF). The project will impact 80 linear feet of watercourse and permanently impact a de minimus amount of wetland (0.015 ac). Approximately 0.053 acres of wetland will be temporarily impacted by equipment operating on wetland matting during construction. The structure is located in Saltlick Township, **Fayette County** (Donegal, PA Quadrangle N: 16.8 inches; W: 6.0 inches; Latitude: 40°-5'-33"; Longitude: 79°-25'-04").

**E30-224. Consol Pennsylvania Coal Co., LLC**, 1525 Pleasant Grove Road, Claysville, PA 15323. To restore and maintain approximately 1,100 feet of Crabapple Creek (WWF); approximately 3,050 feet of an unnamed tributary (44) to Crabapple Creek (WWF) and approximately 265 feet of another unnamed tributary (4) to Crabapple Creek (WWF); to construct and maintain 1.25 acres of wetlands along the flood plain of Crabapple Creek. The restoration project on Crabapple Creek is located along the south side of Braddock Run Road (T569) approximately 2,000 feet east of its intersection with Durbin Road (T346) (Wind Ridge, PA Quadrangle N: 9.0 inches; W: 10.6 inches; Latitude: 39° 55' 28"; Longitude: 80° 27' 2"). The restoration project on the unnamed tributary (44) to Crabapple Creek is located along the west side of Durban Run Road (T346) approximately 700 feet north of its intersection with Braddock Run Road (T569) (Wind Ridge, PA Quadrangle N: 10.3; W: 12.0; Latitude: 39° 55' 54"; Longitude: 80° 27' 38"). The restoration project on the unnamed tributary (4) to Crabapple Creek is located on the south side of Braddock Run Road (T569) to the north of the main stream restoration (Wind Ridge, PA Quadrangle N: 9.2 inches; W: 10.9 inches; Latitude: 39° 55' 32"; Longitude: 80° 27' 10"). The wetland construction site is located on the south side of Braddock Run Road (T569) approximately 1,000 feet east of its intersection with Durbin Road (T346) (Wind Ridge, PA Quadrangle N: 9.0 inches; W: 11.5 inches; Latitude: 39° 55' 28"; Longitude: 80° 27' 25"). This permit also authorizes four temporary stream crossings and 0.28 acres of wetland impacts to Crabapple Creek as part of the restoration work. The project is located in Richhill Township, **Greene County**.

**E30-232. PA DOT—District 12-0**, 825 N. Gallatin Avenue Extension, Uniontown, PA 15401-2105. To remove the existing SR 21, two lane, approximately 43 ft. wide, eleven span, steel truss bridge having a total length of approximately 1,450 ft., and having minimum normal pool underclearance of 67 ft.; and to construct and maintain a 72 ft. total width, four lane, seven span, steel truss replacement bridge having a total length of approximately 1,700 ft. and having minimum normal pool underclearance of 64 ft. over the Monongahela River (WWF). In addition, for project construction and demolition install temporary causeways; and construct and maintain associated replacement stormwater outfalls to the Monongahela River (WWF). The bridge and road improvement and project is located within and between Masontown Borough, Fayette County, to the east and

Monongahela Township, **Greene County**, to the west (Masonstown, PA Quadrangle N: 18.7"; W: 7.3"; Latitude: 39° 51' 11" and Longitude 79° 55' 37").

#### 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").

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

**EA14-007. US Fish and Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Wallace Run/Brown Property Stream Restoration Project, in Boggs Township, **Centre County**, ACOE Baltimore District

This project proposes to stabilize the channel and improve sediment transport of a 900-foot reach of Wallace Run by realigning the stream and constructing a series of 9 rock/log vanes. This permit was issued under Section 105. 12(a)(16) which allows for restoration activities. This permit also includes 401 Water Quality Certification. (Bellefonte, PA Quadrangle N: 40°57'03"; W: 77°49' 55").

#### 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.

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*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

8/22/11

ESCGP-1 No.: ESX11-051-0023

Applicant Name: Chevron Appalachia, LLC

CONTACT: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette Township(s): Redstone

Receiving Stream(s) And Classifications: UNT to Rowes Run/Middle Monongahela River Watershed, Other

8/22/11

ESCGP-1 No.: ESX11-125-0067

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Hanover

Receiving Stream(s) and Classifications: Kings Creek/Raccoon Creek Watershed, Other

8/22/11

ESCGP-1 No.: ESX11-003-0002

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Allegheny Township(s): Fawn

Receiving Stream(s) and Classifications: UNT to Bull Creek & Bull Creek/Lower Allegheny River Watershed, Other

8/23/11

ESCGP-1 No.: ESX11-059-0028 Maj Rev

Applicant Name: Laurel Mountain Midstream LLC

Contact Person: Clayton A. Roesler

Address: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Greene Township(s): Cumberland

Receiving Stream(s) and Classifications: UNTs to Pumpkin Run (WWF), UNT to Monongahela River (WWF), Neel Run (WWF) & UNT to Neel Run (WWF)/Lower Monongahela Watershed, Other

8/23/11

ESCGP-1 No.: ESX11-059-0043

Applicant Name: Tanglewood Exploration, LLC

Contact Person: Randy A. Wolsey

Address: 226 Elm Drive, Suite 102

City: Waynesburg State: PA Zip Code: 15370

COUNTY Greene Township(s): Gilmore

Receiving Stream(s) and Classifications: UNT PA Fork Dunkard Creek/Six Run (WWF), Other

8/23/11

ESCGP-1 No.: ESX11-129-0021

Applicant Name: Williams Production Appalachia, LLC

Contact Person: David R. Freudenrich

Address: 1000 Town Center, Suite 130

City: Canonsburg State: PA Zip Code: 15317

County: Westmoreland Township(s): Derry

Receiving Stream(s) and Classifications: Tributaries 44744 & 44747 to McGee Run/Conemaugh Watershed, Other CWF (Cold Water Fishes)

8/23/11

ESCGP-1 No.: ESX11-125-0063

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla L. Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code 15317

County: Washington Township(s): Chartiers

Receiving Stream(s) and Classifications: UNTs to Chartiers Creek/Chartiers Creek Watershed, Other

8/24/11

ESCGP-1 No.: ESX11-125-0025 Major Revision

Applicant Name: Laurel Mountain Midstream LLC

Contact Person: Michael L. Hopkins  
 Address: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Washington Township(s): Amwell, West Bethlehem

Receiving Stream(s) and Classifications: UNTs to Little Tenmile Creek (TSF), UNTs to Smith Run (TSF), UNTs to Tenmile Creek (TSF), Smith Run (TSF), UNT to Horn Run (TSF) and Horn Run (TSF), and Little Tenmile Creek (TSF)/Tenmile Creek Watershed, Other

8/24/11

ESCGP-1 No.: ESX11-129-0020

Applicant Name: Chevron Appalachia, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): Sewickley

Receiving Stream(s) and Classifications: UNTs to Youghiogheny River/Lower Youghiogheny River Watershed, Other

8/26/11

ESCGP-1 NO.: ESX11-021-0003

Applicant Name: Chief Oil & Gas LLC

CONTACT PERSON:

ADDRESS: 6051 Wallace Road, Ext., Ste 210

City: Wexford State: PA Zip Code: 15090

County: Cambria Township(s): Summerhill

Receiving Stream(s) and Classifications: Beaverdam Run (HQ-CWF)/Little Conemaugh River, High Quality

8/31/11

ESCGP-1 NO.: ESX11-059-0018 Major Revision

Applicant Name: Laurel Mountain Midstream, LLC

CONTACT: Clayton Roesler

ADDRESS: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Greene Township(s): Dunkard

Receiving Stream(s) and Classifications: UNTs (WWF), Crooked Run (WWF), Dunkard Creek (WWF), Bell Run (WWF)/Lower & Upper Monongahela Watersheds, Other

8/31/11

ESCGP-1 NO.: ESX10-125-0091 Major Revision

Applicant Name: Range Resources—Appalachia, LLC

CONTACT: Carla L. Suszkowski

ADDRESS: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Smith

Receiving Stream(s) and Classifications: UNT to Raccoon Creek & UNT to Cherry Run/Raccoon Creek Watershed, Other

8/31/11

ESCGP-1 NO.: ESX11-051-0028

Applicant Name: Chevron Appalachia, LLC

CONTACT: Jeremy Hirtz

ADDRESS: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette Township(s): Redstone

Receiving Stream(s) and Classifications: UNT to Dunlap Creek/Monongahela River Watershed, Other

8/31/11

ESCGP-1 NO.: ESX10-129-0010 Major Revision

Applicant Name: CNX Gas Company, LLC

CONTACT: Craig Neal

ADDRESS: 280 Indian Springs Road, Ste 333

City: Indiana State: PA Zip Code: 15701

County: Westmoreland Township(s): Washington

Receiving Stream(s) and Classifications: Beaver Run Reservoir/Poke Run, High Quality

9/2/11

ESCGP-1 NO.: ESX11-059-0022

Applicant Name: Laurel Mountain Midstream Operating, LLC

CONTACT: Clayton Roesler

ADDRESS: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Greene Township(s): Jefferson

Receiving Stream(s) and Classifications: Pumpkin Run (WWF), UNT's to Pumpkin Run (WWF)/Tenmile Watershed & South Fork Tenmile Creek Watershed, Other

9/2/11

ESCGP-1 NO.: ESX11-125-0058

Applicant Name: CNX Gas Company, LLC

CONTACT: Daniel Bitz

ADDRESS: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County: Washington Township(s): Carroll

Receiving Stream(s) and Classifications: Taylors Run (WWF), Tributary 39640 to Pigeon Creek (WWF), & Tributary 39639 to Pigeon Creek (WWF), Other

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-031-0020—Maple Grove Gathering WP-6

Applicant Northeast Natural Energy WP-6

Contact Brett Loflin

Address 707 Virginia Street East

City Charleston State WV Zip Code 25301

County Clarion Township(s) Toby, Porter, & Madison(s) Receiving Stream(s) and Classification(s) East Fork of Wildcat Run—CWF

ESCGP-1 #ESX11-053-0019—Warrant 5129, 5135, 5136, 5137 & 5139

Applicant PA General Energy Co., LLC

Contact Douglas E. Kuntz

Address 120 Market Street

City Warren State PA Zip Code 16365

County Forest Township(s) Jenks and Kingsley(s)

Receiving Stream(s) and Classification(s) Salmon Creek, Little Salmon Creek—HQ-Secondary Water Tionesta Creek

ESCGP-1 #ESX11-121-0002—Masters Lease

Applicant Catalyst Energy, Inc

Contact Douglas Jones

Address 800 Cranberry Woods Drive, Suite 290

City Cranberry Township State PA Zip Code 16066

County Venango Township(s) Cranberry(s)

Receiving Stream(s) and Classification(s) East Sandy Creek / Little East Sandy Creek

ESCGP-1 #ESX11-019-0084—Pallack A Well Pad

Applicant Rex Energy Operating Corp

Contact Allan Berenbrok 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) Little Yellow Creek (CWF) and Yellow Creek (CWF)

ESCGP-1 #ESX11-083-0050-Lot 388 Niver Farm

Applicant Howard Drilling Inc

Contact Michael Aimonetti

Address 11 Bridge Street Bldg 4

City Mt Jewett State PA Zip Code 16740

County Mckean Township(s) Wetmore(s)

Receiving Stream(s) and Classification(s) East Branch Tionesta Creek & Rock Run

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**STORAGE TANKS**


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**SITE-SPECIFIC INSTALLATION PERMITS**


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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 and 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 &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i>                          | <i>Tank Capacity</i>    |
|------------------------|--|---------------|---------------------|---|-------------------------|
| 11-02-032              | Koppers Inc.<br>436 Seventh Avenue<br>Pittsburgh, PA 15219<br>Attn: Traci Self                   | Allegheny     | City of Clariton    | 1 AST storing<br>petroleum                | 600,000                 |
| 11-41-004              | Champion Technologies, Inc.<br>3200 Southwest Freeway<br>Houston, TX 77027<br>Attn: Paula Dollar | Lycoming      | Wolf Township       | 9 ASTs storing<br>hazardous<br>substances | 58,500<br>gallons total |

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**SPECIAL NOTICES**


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**Request for Proposals to Provide Disposal Capacity**

In accordance with Act 101 and Section 272 of the PA Solid Waste Rules and Regulation (as amended), the Centre County Solid Waste Authority (CCSWA) is seeking waste disposal capacity for municipal waste (MSW) for a ten (10) year period. CCSWA is hereby soliciting responses in order to select a facility that could provide all, of the processing/disposal capacity for the County generated MSW. All proposals must be submitted to the CCSWA by 4:30 PM on Wednesday, October 26, 2011. Copies of the CCSWA Request For Proposals (RFP) may be obtained from the Centre County Solid Waste Authority, 253 Transfer Road, Bellefonte, PA, 16823. Electronic forms are available by e-mail from Dave Immel at [dlimmel@uplink.net](mailto:dlimmel@uplink.net) or by calling at 814-238-7005.

All responses must be made on the Required Forms and in accordance with the Instructions to Respondents provided in the RFP. The respondent must submit the original and twelve (12) copies to the address listed above, Attention Ted Onufrak, by 4:30 p.m. EST on Wednesday October 26, 2011. There will be a mandatory Pre-Proposal meeting at the Authority's office. Time and date will be included in the RFP packet.

The selected facility will receive formal notification of their selection after review and evaluation of responses by the Centre County SWAC at its scheduled meeting.

CCSWA reserves the right to reject any or all responses and to waive any informality in the solicitation process.

**SEWAGE FACILITIES ACT SPECIAL NOTICE**


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**Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**


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**Categorical Exclusion**

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

*Project Location:*

| <i>Project Applicant</i>   | <i>Project Applicant's Address</i>      | <i>Project Location (Municipality)</i> | <i>Project Location (County)</i> |
|--|---|--|----------------------------------|
| Delaware County Regional Water Quality Control Authority (DELCORA) | P. O. Box 999<br>Chester, PA 19016-0999 | Chester City                           | Delaware                         |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Delaware County Regional Water Quality Control Authority (DELCORA) owns the 48 inch prestressed concrete cylinder pipe (PCCP) Chester Force Main which is in deteriorated condition and subject to catastrophic failure. This project will replace the failing force main and mitigate the potential for pipe failure which would have discharged untreated wastewater causing environmental degradation. The Department's review of the project and the information received has not identified any significant, adverse environmental impact

resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

*Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>   | <i>County</i> |
|----------------------------|--------------------------------------|---------------|
| Galeton Borough            | 4 Sherman Street<br>Galeton PA 16922 | Potter        |



Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Galeton Borough Authority proposes a sewer system rehabilitation project known as the Phase 2A Southwest Sewershed Project. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

Location:

|                            |   |                |
|----------------------------|---|----------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i>          | <i>County</i>  |
| City of Sunbury            | 462 South Fourth Street<br>Sunbury PA 17801 | Northumberland |

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Municipal Authority of the City of Sunbury proposes to replace or install approximately 2,100 lineal feet of sanitary sewer and 3,000 lineal feet of storm water pipe and eliminate two combined sewage discharges into Shamokin Creek. All work will be done within existing roadways. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

**Environmental Categorical Exclusion**

*Southeast Regional Office, Water Supply Management Program, 2 E. Main St., Norristown, Pa 19401*

Location: Aqua Pa—Bristol Borough, Bucks County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Aqua Pa is upgrading existing residual solid waste facilities at its Bristol water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exclusion was approved by the Department on December 15, 2008

Location: Aqua Pa—Middletown Township, Bucks County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Aqua Pa is upgrading existing residual solid waste and water pretreatment facilities at its Neshaminy water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exclusion was approved by the Department on July 12, 2010.

Location: Pa American Water Co—City of Coatesville, Chester County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Pa American Water Company is upgrading water treatment facilities at its Rock Run water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exclusion was approved by the Department on June 9, 2009.

Location: Philadelphia Water Department—Philadelphia County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The water department is replacing water mains in existing streets and right of ways. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exclusion was approved by the Department on March 6, 2009.

Location: Philadelphia Water Department—Philadelphia County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The water department is upgrading existing water treatment, storage and pumping facilities. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exclusion was approved by the Department on March 6, 2009.

**DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE**

**Special Notice Under the federal Safe Drinking Water Act (SDWA)**

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

*Project Location:*

|                       |  |               |
|-----------------------|--|---------------|
| <i>Applicant</i>      | <i>Applicant Address</i>                   | <i>County</i> |
| Conneautville Borough | 902 Main Street<br>Conneautville, PA 16406 | Crawford      |

*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. Conneautville Borough has applied for the replacement of water pipe which has recently experienced six major ruptures/breaks on Thatcher Road. These breaks/ruptures have caused the Borough to temporarily abandon its new elevated water storage tank and revert to the lower elevation tank and not have sufficient capacity to provide continuous water service to its customers. By replacing the line, the recently constructed elevated water tank will once again be placed online and pressure provided to all Borough residents. Fire protection will also greatly be enhanced.

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. 11-1645. Filed for public inspection September 23, 2011, 9:00 a.m.]

**Nutrient Credit Trading Program; Actions**

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program).

These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to 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*, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these actions or the Nutrient Credit Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, [aroda@pa.gov](mailto:aroda@pa.gov) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**TeamAg (120 Lake Street, Ephrata, PA 17522).** This approval is applicable to the nitrogen credits to be generated from the pollutant reduction activity of continuous no-till, cereal cover crops and a riparian forest buffer on land owned by Lancaster Area Sewer Authority. This approval includes a verification plan and authorizes the generation of 2,960 nitrogen reduction credits. Based on the timeframe requested in the certification request this certification is valid beginning October 1, 2011, and this certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if recertification, which

will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169 (April 23, 2011).

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1646. Filed for public inspection September 23, 2011, 9:00 a.m.]

## Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests from July 22, 2011, through September 6, 2011.

### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place.

The Department provides registered credits with an annual registry number for reporting and tracking purposes.

#### *Certification Requests*

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

| <i>Applicant</i>                         | <i>Pollution Reduction Activity Description</i>   |
|--|---|
| Lancaster Area Sewer Authority           | This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the Lancaster Area Sewer Authority's installed treatment process.           |
| Northeastern York County Sewer Authority | This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the Northeastern York County Sewer Authority's installed treatment process. |

#### *Written Comments*

Interested persons may submit written comments on these proposed pollutant reduction activities by October 24, 2011. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@pa.gov.

For further information about these proposals or the Trading Program contact Ann Roda, at the previously listed address or phone number or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1647. Filed for public inspection September 23, 2011, 9:00 a.m.]

### **Phase 2 Chesapeake Bay Watershed Implementation Plan Meeting Change**

The Department of Environmental Protection (Department) provided notice of the upcoming meeting of the Chesapeake Bay Watershed Implementation Plan (WIP) Management Team at 41 Pa.B. 4911 (September 10, 2011). This meeting will be related to the development of the Commonwealth's Phase 2 WIP. This notice provides information pertaining to the meeting location.

This meeting is still scheduled to be held on September 29, 2011, starting at 1 p.m., but will now be held in the Conference Room of the Department Lab Building, 2575 Interstate Drive, Harrisburg, PA 17105.

For further information, contact Karen Price, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, kprice@state.pa.us or visit the

Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Chesapeake Bay").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1648. Filed for public inspection September 23, 2011, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Aria Health for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aria Health has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2.7 (relating to patient bathing).

This facility is also request exception from the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1649. Filed for public inspection Septemeber 23, 2011, 9:00 a.m.]

### **Application of Bryn Mawr Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.6.9 and 2.2-2.2.6.10 (relating to clean workroom; and soiled workroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1650. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of CH Hospital of Allentown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.3, 553.4, 553.31, 555.1—555.4, 557.2—557.4 and 567.2(1).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1651. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of The Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 555.33(d)(8)(iii) (relating to anesthesia policies and procedures).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1652. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of DuBois Regional Medical Center—Brookville Surgical for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center—Brookville Surgical has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.6.9 (relating to clean storage).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1653. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of DuBois Regional Medical Center— Occupational Health for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center—Occupational Health has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-336.10 and 3.2-6.3 (relating to soiled holding; and support areas for staff).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1654. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of DuBois Regional Medical Center— Ophthalmology for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center—Ophthalmology has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.4.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1655. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of DuBois Regional Medical Center— Pulmonology and Sleep Medicine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center—Pulmonology and Sleep Medicine has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.6.6.2 (relating to sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1656. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Eastern Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eastern Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1657. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-1.6.2 and 3.1-7.1.4 (relating to building entrances; and medical gas system).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1658. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Indiana Ambulatory Surgical Associates  
Surgery Center at Edgeworth Commons

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1659. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.5.2.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1660. Filed for public inspection September 23, 2011, 9:00 a.m.]

### **Application of Leo McCafferty MD, Plastic Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Leo McCafferty MD, Plastic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-4.1.4, 3.7-2.4.2.1 and 3.7-5.2.1.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1661. Filed for public inspection September 23, 2011, 9:00 a.m.]

### **Application of Pinnacle Outpatient Cardiovascular Diagnostic Services for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Outpatient Cardiovascular Diagnostic Services has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum

standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1, 3.1-3.6.6 and 3.1-3.6.7 (relating to nurse stations; medication distribution station; and nourishment area or room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1662. Filed for public inspection September 23, 2011, 9:00 a.m.]

### **Application of Temple University Hospital—The Endoscopy Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Temple University Hospital—The Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.3, 553.4, 553.31, 555.1, 555.3, 555.23, 555.31(a), 557.2, 557.4, 559.1, 559.2, 561.2, 563.2, 565.1—565.4, 565.11—565.16 and 567.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1663. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Valley Access Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Access Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.4.2.3 and 3.7-3.6.11.4 (relating to Phase II recovery; and stretcher storage).

This facility is also requesting exception from the requirements of 28 Pa. Code §§ 551.3 and 551.21(d)(1) (relating to definitions; and criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1664. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Wilkes-Barre General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wilkes-Barre General Hospital has requested an exception to the requirements of 28 Pa. Code § 139.17 (relating to neonatal intensive care units (Levels II and III)).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1665. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application of Williamsport Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.2.4.1 (relating to return air system).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1666. Filed for public inspection September 23, 2011, 9:00 a.m.]



### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Vincentian De Marillac  
5300 Stanton Avenue  
Pittsburgh, PA 15206

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(c) and (d) (relating to toilet facilities):

Masonic Village at Elizabethtown  
One Masonic Drive  
Elizabethtown, PA 17022-2119  
FAC ID 131502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1667. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Bucktail Medical Center  
1001 Pine Street  
Renovo, PA 17764  
FAC ID 549602

The Williamsport Home  
1900 Ravine Road  
Williamsport, PA 17701  
FAC ID 491902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1668. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Newborn Screening and Follow-Up Program Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625) will hold a public meeting on Tuesday, October 4, 2011, from 10 a.m. to 3 p.m. at the Pennsylvania Housing Finance Agency, Conference Room, 211 North Front Street, Harrisburg, PA.

For additional information or for persons with a disability wishing to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143, speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). R.S.V.P. by September 27, 2011, to Jen Wilt at (717) 783-8143.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1669. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

#### *Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. ....   | \$1.55                         |
| Beans/Peas—Dry—16 oz. ....   | \$1.88                         |
| Canned Fish—Pink Salmon ....   | \$2.15                         |
| Canned Fish—Sardines ....  | \$1.52                         |
| Canned Fish—Tuna ....  | \$1.12                         |
| Cereal (per oz.) ....  | \$0.32                         |
| Cheese, 16 oz. ....  | \$7.26                         |
| Eggs ....  | \$2.09                         |
| Gerber Infant Cereal—8 oz. ....  | \$2.00                         |
| Infant Fruits, 100%—4 oz. ....   | \$0.65                         |
| Infant Vegetables, 100%—4 oz. ....                                     | \$0.65                         |
| Infant Meats, 100%—2.5 oz. ....  | \$1.00                         |
| Juice—11.5/12 oz. ....   | \$2.27                         |
| Juice—48 oz. ....  | \$3.00                         |
| Juice—64 oz. ....  | \$3.97                         |
| Kosher Cheese—16 oz. ....  | \$8.58                         |
| Kosher Low Fat Milk—quart ....   | \$1.61                         |
| Kosher Low Fat Milk—1/2 gallon ....                                    | \$3.02                         |
| Kosher Whole Milk—quart ....   | \$1.60                         |
| Kosher Whole Milk—1/2 gallon ....                                      | \$3.14                         |
| Milk, Dry—9.6 oz. ....   | \$4.38                         |
| Milk, Dry—25.6 oz. ....  | \$9.28                         |
| Milk, Evaporated—12 oz. ....   | \$1.43                         |
| Milk, Low Fat—quart ....   | \$1.42                         |
| Milk, Low Fat—1/2 gallon ....  | \$2.63                         |
| Milk, Low Fat Lactose Free—quart ....                                  | \$2.33                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                             | \$3.82                         |
| Milk, Whole—quart ....   | \$1.42                         |
| Milk, Whole—1/2 gallon ....  | \$2.64                         |
| Milk, Whole Lactose Free—quart ....                                    | \$2.34                         |
| Milk, Whole Lactose Free—1/2 gallon ....                               | \$3.92                         |
| Peanut Butter—18 oz. ....  | \$2.66                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                         | \$3.49                         |
| Soy Beverage—8th Continent 64 oz. ....                                 | \$3.19                         |
| Tofu—16 oz. ....   | \$2.30                         |
| Whole Grain—Bread, 16 oz. ....   | \$3.81                         |
| Whole Grain—Bread, 24 oz. ....   | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz. ....                                    | \$1.58                         |
| Whole Grain—Brown Rice, 24 oz. ....                                    | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....  | \$2.26                         |
| Whole Grain—Oats, 24 oz. ....  | \$5.56                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....            | \$2.54                         |
| Boost RTF Formula—8 oz. ....   | \$2.00                         |
| EnfaCare RTF Formula—32 oz. ....                                       | \$7.22                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                           | \$14.75                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                           | \$16.39                        |
| Enfamil Premium Infant Concentrate Formula—13 oz. ....                 | \$4.69                         |
| Enfamil Premium Infant RTF Formula—32 oz. ....                         | \$6.75                         |
| Enfamil Premium Infant Powder Formula—12.5 oz. ....                    | \$14.16                        |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. ....             | \$4.64                         |
| Good Start Gentle Concentrate—Orange Formula—13 oz. ....               | \$4.64                         |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.85                         |
| Good Start Gentle RTF—Orange Formula—32 oz. ....                       | \$6.47                         |
| Good Start Gentle Powder—Orange Formula—12 oz. ....                    | \$14.11                        |
| Good Start Gentle Powder Formula—12.7 oz. ....                         | \$14.11                        |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. ....                  | \$4.76                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Good Start Soy Concentrate—Blue Formula—13 oz. ....               | \$4.76                         |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.96                         |
| Good Start Soy RTF—Blue Formula—32 oz. ....                       | \$6.75                         |
| Good Start Soy Powder—Blue Formula—12.9 oz. ....                  | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                       | \$23.00                        |
| Good Start 2 Gentle Powder Formula—Blue w/orange—24 oz. ....      | \$23.15                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                    | \$23.15                        |
| Good Start 2 Protect Powder Formula—Blue w/green—24 oz. ....      | \$24.74                        |
| Good Start 2 Protect Powder Formula—22 oz. ....                   | \$24.74                        |
| Good Start Protect Powder Formula—Green—12 oz. ....               | \$14.61                        |
| Good Start Protect Powder Formula—12.4 oz. ....                   | \$14.61                        |
| Nutramigen LIPIL Concentrate Formula—13 oz. ....                  | \$7.22                         |
| Nutramigen LIPIL RTF Formula—32 oz. ....                          | \$8.74                         |
| Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....           | \$23.16                        |
| Pediasure RTF Formula—8 oz. ....                                  | \$1.93                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                          | \$1.92                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                        | \$2.55                         |
| Similac Advance Concentrate Formula—13 oz. ....                   | \$4.67                         |
| Similac Advance RTF Formula—32 oz. ....                           | \$6.57                         |
| Similac Advance w/Iron Powder Formula—12.4 oz. ....               | \$13.33                        |
| Similac Expert Care Alimentum RTF Formula—32 oz. ....             | \$9.14                         |
| Similac Expert Care Alimentum Powder Formula—16 oz. ....          | \$26.02                        |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. ....          | \$6.49                         |
| Similac Expert Care NeoSure RTF Formula—32 oz. ....               | \$7.48                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. ....          | \$15.49                        |
| Store Brand Milk Based Concentrate Formula—13 oz. ....            | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ....                    | \$5.65                         |
| Store Brand Milk Based Powder Formula—25.75 oz. ....              | \$16.13                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

| <i>Description</i>             | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. .... | \$1.36                    |
| Beans/Peas—Dry—16 oz. ....     | \$1.68                    |
| Canned Fish—Pink Salmon ....   | \$2.09                    |
| Canned Fish—Sardines ....      | \$1.42                    |
| Canned Fish—Tuna ....          | \$1.06                    |

| <i>Description</i>                                     | <i>Competitive Prices</i> |
|--|---------------------------|
| Cereal (per oz.)                                       | \$0.29                    |
| Cheese, 16 oz.   | \$6.01                    |
| Eggs   | \$1.99                    |
| Gerber Infant Cereal—8 oz.                             | \$2.00                    |
| Infant Fruits, 100%—4 oz.                              | \$0.64                    |
| Infant Vegetables, 100%—4 oz.                          | \$0.64                    |
| Infant Meats, 100%—2.5 oz.                             | \$0.98                    |
| Juice—11.5/12 oz.                                      | \$2.20                    |
| Juice—48 oz.   | \$2.90                    |
| Juice—64 oz.   | \$3.62                    |
| Kosher Cheese—16 oz.                                   | \$8.49                    |
| Kosher Low Fat Milk—1/2 gallon                         | \$2.97                    |
| Kosher Whole Milk—1/2 gallon                           | \$3.08                    |
| Milk, Low Fat—1/2 gallon                               | \$2.47                    |
| Milk, Whole—1/2 gallon                                 | \$2.54                    |
| Peanut Butter—18 oz.                                   | \$2.51                    |
| Whole Grain—Bread, 16 oz.                              | \$3.58                    |
| Whole Grain—Brown Rice, 16 oz.                         | \$1.53                    |
| Whole Grain—Oats, 16 oz.                               | \$2.21                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.48                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz.  | \$4.64                    |
| Good Start Gentle Concentrate—Orange Formula—13 oz.    | \$4.64                    |
| Good Start Gentle Powder—Orange Formula—12 oz.         | \$14.11                   |
| Good Start Gentle Powder Formula—12.7 oz.              | \$14.11                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz.       | \$4.76                    |
| Good Start Soy Concentrate—Blue Formula—13 oz.         | \$4.76                    |
| Good Start Soy Powder—Blue Formula—12.9 oz.            | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>            | <i>Maximum Allowable Price</i> |
|-------------------------------|--------------------------------|
| Beans, Canned—15.5/16 oz.     | \$1.55                         |
| Beans/Peas—Dry—16 oz.         | \$1.91                         |
| Canned Fish—Pink Salmon       | \$2.15                         |
| Canned Fish—Sardines          | \$1.52                         |
| Canned Fish—Tuna              | \$1.29                         |
| Cereal (per oz.)              | \$0.33                         |
| Cheese, 16 oz.                | \$7.26                         |
| Eggs                          | \$2.09                         |
| Gerber Infant Cereal—8 oz.    | \$2.14                         |
| Infant Fruits, 100%—4 oz.     | \$0.77                         |
| Infant Vegetables, 100%—4 oz. | \$0.77                         |
| Infant Meats, 100%—2.5 oz.    | \$1.06                         |
| Juice—11.5/12 oz.             | \$2.53                         |
| Juice—48 oz.                  | \$3.15                         |
| Juice—64 oz.                  | \$4.20                         |
| Kosher Cheese—16 oz.          | \$8.58                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Kosher Low Fat Milk—quart   | \$1.61                         |
| Kosher Low Fat Milk—1/2 gallon                                    | \$3.02                         |
| Kosher Whole Milk—quart   | \$1.60                         |
| Kosher Whole Milk—1/2 gallon                                      | \$3.14                         |
| Milk, Dry—9.6 oz.   | \$4.51                         |
| Milk, Dry—25.6 oz.  | \$9.28                         |
| Milk, Evaporated—12 oz.   | \$1.50                         |
| Milk, Low Fat—quart   | \$1.42                         |
| Milk, Low Fat—1/2 gallon  | \$2.63                         |
| Milk, Low Fat Lactose Free—quart                                  | \$2.50                         |
| Milk, Low Fat Lactose Free—1/2 gallon                             | \$4.12                         |
| Milk, Whole—quart   | \$1.42                         |
| Milk, Whole—1/2 gallon  | \$2.64                         |
| Milk, Whole Lactose Free—quart                                    | \$2.34                         |
| Milk, Whole Lactose Free—1/2 gallon                               | \$4.09                         |
| Peanut Butter—18 oz.  | \$2.77                         |
| Soy Beverage—Pacific Natural Foods 32 oz.                         | \$3.62                         |
| Soy Beverage—8th Continent 64 oz.                                 | \$3.41                         |
| Tofu—16 oz.   | \$2.34                         |
| Whole Grain—Bread, 16 oz.   | \$3.89                         |
| Whole Grain—Bread, 24 oz.   | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz.                                    | \$2.06                         |
| Whole Grain—Brown Rice, 24 oz.                                    | \$3.50                         |
| Whole Grain—Oats, 16 oz.  | \$2.27                         |
| Whole Grain—Oats, 24 oz.  | \$5.56                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.            | \$2.54                         |
| Boost RTF Formula—8 oz.   | \$2.19                         |
| EnfaCare RTF Formula—32 oz.                                       | \$7.49                         |
| EnfaCare w/Iron Powder Formula—12.8 oz.                           | \$14.76                        |
| EnfaCare w/Iron Powder Formula—15.1 oz.                           | \$16.84                        |
| Enfamil Premium Infant Concentrate Formula—13 oz.                 | \$4.92                         |
| Enfamil Premium Infant RTF Formula—32 oz.                         | \$7.12                         |
| Enfamil Premium Infant Powder Formula—12.5 oz.                    | \$14.23                        |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz.             | \$4.73                         |
| Good Start Gentle Concentrate—Orange Formula—13 oz.               | \$4.73                         |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.85                         |
| Good Start Gentle RTF—Orange Formula—32 oz.                       | \$6.57                         |
| Good Start Gentle Powder—Orange Formula—12 oz.                    | \$15.16                        |
| Good Start Gentle Powder Formula—12.7 oz.                         | \$15.16                        |
| Good Start Soy Concentrate—Blue Formula—12.1 oz.                  | \$4.90                         |
| Good Start Soy Concentrate—Blue Formula—13 oz.                    | \$4.90                         |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.)      | \$6.96                         |
| Good Start Soy RTF—Blue Formula—32 oz.                            | \$6.91                         |
| Good Start Soy Powder—Blue Formula—12.9 oz.                       | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz.                            | \$23.00                        |
| Good Start 2 Gentle Powder Formula—Blue w/orange—24 oz.           | \$23.15                        |
| Good Start 2 Gentle Powder Formula—22 oz.                         | \$23.15                        |
| Good Start 2 Protect Powder Formula—Blue w/green—24 oz.           | \$26.15                        |
| Good Start 2 Protect Powder Formula—22 oz.                        | \$26.15                        |
| Good Start Protect Powder Formula—Green—12 oz.                    | \$14.71                        |
| Good Start Protect Powder Formula—12.4 oz.                        | \$14.71                        |

| <i>Description</i>                                       | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Nutramigen LIPIL Concentrate Formula—13 oz. ....         | \$8.13                         |
| Nutramigen LIPIL RTF Formula—32 oz. ....                 | \$9.00                         |
| Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....  | \$23.56                        |
| Pediasure RTF Formula—8 oz. ....                         | \$2.13                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                 | \$2.09                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....               | \$2.55                         |
| Similac Advance Concentrate Formula—13 oz. ....          | \$4.67                         |
| Similac Advance RTF Formula—32 oz. ....                  | \$7.14                         |
| Similac Advance w/Iron Powder Formula—12.4 oz. ....      | \$13.72                        |
| Similac Expert Care Alimentum RTF Formula—32 oz. ....    | \$9.43                         |
| Similac Expert Care Alimentum Powder Formula—16 oz. .... | \$26.86                        |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. .... | \$7.44                         |
| Similac Expert Care NeoSure RTF Formula—32 oz. ....      | \$7.65                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. .... | \$15.89                        |
| Store Brand Milk Based Concentrate Formula—13 oz. ....   | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ....           | \$5.65                         |
| Store Brand Milk Based Powder Formula—25.75 oz. ....     | \$17.39                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

| <i>Description</i>                  | <i>Competitive Prices</i> |
|-------------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. ....      | \$1.36                    |
| Beans/Peas—Dry—16 oz. ....          | \$1.72                    |
| Canned Fish—Pink Salmon ....        | \$2.14                    |
| Canned Fish—Sardines ....           | \$1.42                    |
| Canned Fish—Tuna ....               | \$1.27                    |
| Cereal (per oz.) ....               | \$0.30                    |
| Cheese, 16 oz. ....                 | \$6.03                    |
| Eggs ....                           | \$1.99                    |
| Gerber Infant Cereal—8 oz. ....     | \$2.14                    |
| Infant Fruits, 100%—4 oz. ....      | \$0.76                    |
| Infant Vegetables, 100%—4 oz. ....  | \$0.76                    |
| Infant Meats, 100%—2.5 oz. ....     | \$1.05                    |
| Juice—11.5/12 oz. ....              | \$2.43                    |
| Juice—48 oz. ....                   | \$3.04                    |
| Juice—64 oz. ....                   | \$3.89                    |
| Kosher Cheese—16 oz. ....           | \$8.49                    |
| Kosher Low Fat Milk—1/2 gallon .... | \$2.97                    |
| Kosher Whole Milk—1/2 gallon ....   | \$3.08                    |
| Milk, Low Fat—1/2 gallon ....       | \$2.47                    |
| Milk, Whole—1/2 gallon ....         | \$2.54                    |
| Peanut Butter—18 oz. ....           | \$2.62                    |

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| Whole Grain—Bread, 16 oz. ....                              | \$3.73                    |
| Whole Grain—Brown Rice, 16 oz. ....                         | \$2.06                    |
| Whole Grain—Oats, 16 oz. ....                               | \$2.21                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. .... | \$2.48                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. ....  | \$4.73                    |
| Good Start Gentle Concentrate—Orange Formula—13 oz. ....    | \$4.73                    |
| Good Start Gentle Powder—Orange Formula—12 oz. ....         | \$15.16                   |
| Good Start Gentle Powder Formula—12.7 oz. ....              | \$15.16                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. ....       | \$4.90                    |
| Good Start Soy Concentrate—Blue Formula—13 oz. ....         | \$4.90                    |
| Good Start Soy Powder—Blue Formula—12.9 oz. ....            | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>                         | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. ....             | \$1.55                         |
| Beans/Peas—Dry—16 oz. ....                 | \$1.91                         |
| Canned Fish—Pink Salmon ....               | \$2.15                         |
| Canned Fish—Sardines ....                  | \$1.52                         |
| Canned Fish—Tuna ....                      | \$1.29                         |
| Cereal (per oz.) ....                      | \$0.36                         |
| Cheese, 16 oz. ....                        | \$7.26                         |
| Eggs ....                                  | \$2.09                         |
| Gerber Infant Cereal—8 oz. ....            | \$2.28                         |
| Infant Fruits, 100%—4 oz. ....             | \$0.82                         |
| Infant Vegetables, 100%—4 oz. ....         | \$0.82                         |
| Infant Meats, 100%—2.5 oz. ....            | \$1.13                         |
| Juice—11.5/12 oz. ....                     | \$2.53                         |
| Juice—48 oz. ....                          | \$3.25                         |
| Juice—64 oz. ....                          | \$4.26                         |
| Kosher Cheese—16 oz. ....                  | \$8.58                         |
| Kosher Low Fat Milk—quart ....             | \$2.00                         |
| Kosher Low Fat Milk—1/2 gallon ....        | \$3.28                         |
| Kosher Whole Milk—quart ....               | \$1.83                         |
| Kosher Whole Milk—1/2 gallon ....          | \$3.47                         |
| Milk, Dry—9.6 oz. ....                     | \$4.51                         |
| Milk, Dry—25.6 oz. ....                    | \$9.28                         |
| Milk, Evaporated—12 oz. ....               | \$1.66                         |
| Milk, Low Fat—quart ....                   | \$1.43                         |
| Milk, Low Fat—1/2 gallon ....              | \$2.63                         |
| Milk, Low Fat Lactose Free—quart ....      | \$2.50                         |
| Milk, Low Fat Lactose Free—1/2 gallon .... | \$4.22                         |
| Milk, Whole—quart ....                     | \$1.62                         |
| Milk, Whole—1/2 gallon ....                | \$2.65                         |
| Milk, Whole Lactose Free—quart ....        | \$2.42                         |
| Milk, Whole Lactose Free—1/2 gallon ....   | \$4.15                         |
| Peanut Butter—18 oz. ....                  | \$3.10                         |

| <i>Description</i>                              | <i>Maximum Allowable Price</i> | <i>Description</i>                            | <i>Maximum Allowable Price</i> |
|---|--------------------------------|---|--------------------------------|
| Soy Beverage—Pacific Natural Foods 32 oz. ....  | \$3.62                         | Similac Expert Care for Diarrhea RTF          |                                |
| Soy Beverage—8th Continent 64 oz. ....          | \$3.41                         | Formula—32 oz. ....                           | \$8.19                         |
| Tofu—16 oz. ....                                | \$2.34                         | Similac Expert Care NeoSure RTF Formula—      |                                |
| Whole Grain—Bread, 16 oz. ....                  | \$3.89                         | 32 oz. ....                                   | \$9.23                         |
| Whole Grain—Bread, 24 oz. ....                  | \$4.26                         | Similac Expert Care NeoSure Powder            |                                |
| Whole Grain—Brown Rice, 16 oz. ....             | \$2.43                         | Formula—13.1 oz. ....                         | \$16.39                        |
| Whole Grain—Brown Rice, 24 oz. ....             | \$4.87                         | Store Brand Milk Based Concentrate Formula—   |                                |
| Whole Grain—Oats, 16 oz. ....                   | \$2.27                         | 13 oz. ....                                   | \$3.67                         |
| Whole Grain—Oats, 24 oz. ....                   | \$5.56                         | Store Brand Milk Based RTF Formula—32 oz. ... | \$5.65                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, |                                | Store Brand Milk Based Powder Formula—        |                                |
| 16 oz. ....                                     | \$2.54                         | 25.75 oz. ....                                | \$18.49                        |
| Boost RTF Formula—8 oz. ....                    | \$2.19                         |   |                                |
| EnfaCare RTF Formula—32 oz. ....                | \$7.49                         |   |                                |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....    | \$16.35                        |   |                                |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....    | \$18.26                        |   |                                |
| Enfamil Premium Infant Concentrate              |                                |   |                                |
| Formula—13 oz. ....                             | \$6.15                         |   |                                |
| Enfamil Premium Infant RTF Formula—32 oz. ...   | \$7.54                         |   |                                |
| Enfamil Premium Infant Powder Formula—          |                                |   |                                |
| 12.5 oz. ....                                   | \$15.41                        |   |                                |
| Good Start Gentle Concentrate—Orange            |                                |   |                                |
| Formula—12.1 oz. ....                           | \$4.85                         |   |                                |
| Good Start Gentle Concentrate—Orange            |                                |   |                                |
| Formula—13 oz. ....                             | \$4.85                         |   |                                |
| Good Start Gentle RTF—Orange                    |                                |   |                                |
| Formula—4-count, 8.45 oz. (33.8 oz.) ....       | \$6.94                         |   |                                |
| Good Start Gentle RTF—Orange Formula—           |                                |   |                                |
| 32 oz. ....                                     | \$6.94                         |   |                                |
| Good Start Gentle Powder—Orange Formula—        |                                |   |                                |
| 12 oz. ....                                     | \$15.45                        |   |                                |
| Good Start Gentle Powder Formula—12.7 oz. ....  | \$15.45                        |   |                                |
| Good Start Soy Concentrate—Blue Formula—        |                                |   |                                |
| 12.1 oz. ....                                   | \$5.12                         |   |                                |
| Good Start Soy Concentrate—Blue Formula—        |                                |   |                                |
| 13 oz. ....                                     | \$5.12                         |   |                                |
| Good Start Soy RTF—Blue Formula—4-count,        |                                |   |                                |
| 8.45 oz. (33.8 oz.) ....                        | \$7.28                         |   |                                |
| Good Start Soy RTF—Blue Formula—32 oz. ....     | \$7.28                         |   |                                |
| Good Start Soy Powder—Blue Formula—             |                                |   |                                |
| 12.9 oz. ....                                   | \$15.21                        |   |                                |
| Good Start 2 Soy Powder Formula—24 oz. ....     | \$23.00                        |   |                                |
| Good Start 2 Gentle Powder Formula—Blue         |                                |   |                                |
| w/orange—24 oz. ....                            | \$23.15                        |   |                                |
| Good Start 2 Gentle Powder Formula—22 oz. ....  | \$23.15                        |   |                                |
| Good Start 2 Protect Powder Formula—Blue        |                                |   |                                |
| w/green—24 oz. ....                             | \$26.15                        |   |                                |
| Good Start 2 Protect Powder Formula—22 oz. ...  | \$26.15                        |   |                                |
| Good Start Protect Powder Formula—Green—        |                                |   |                                |
| 12 oz. ....                                     | \$15.81                        |   |                                |
| Good Start Protect Powder Formula—12.4 oz. .... | \$15.81                        |   |                                |
| Nutramigen LIPIL Concentrate Formula—           |                                |   |                                |
| 13 oz. ....                                     | \$8.13                         |   |                                |
| Nutramigen LIPIL RTF Formula—32 oz. ....        | \$9.07                         |   |                                |
| Nutramigen LIPIL w/Enflora Powder               |                                |   |                                |
| Formula—12.6 oz. ....                           | \$24.24                        |   |                                |
| Pediasure RTF Formula—8 oz. ....                | \$2.13                         |   |                                |
| Pediasure w/Fiber RTF Formula—8 oz. ....        | \$2.13                         |   |                                |
| Pediasure Sidekicks RTF Formula—8 oz. ....      | \$2.55                         |   |                                |
| Similac Advance Concentrate Formula—13 oz. .... | \$5.17                         |   |                                |
| Similac Advance RTF Formula—32 oz. ....         | \$7.86                         |   |                                |
| Similac Advance w/Iron Powder Formula—          |                                |   |                                |
| 12.4 oz. ....                                   | \$15.02                        |   |                                |
| Similac Expert Care Alimentum RTF               |                                |   |                                |
| Formula—32 oz. ....                             | \$9.48                         |   |                                |
| Similac Expert Care Alimentum Powder            |                                |   |                                |
| Formula—16 oz. ....                             | \$27.28                        |   |                                |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

| <i>Description</i>                              | <i>Competitive Prices</i> |
|---|---------------------------|
| Beans, Canned—15.5/16 oz. ....                  | \$1.36                    |
| Beans/Peas—Dry—16 oz. ....                      | \$1.72                    |
| Canned Fish—Pink Salmon ....                    | \$2.14                    |
| Canned Fish—Sardines ....                       | \$1.42                    |
| Canned Fish—Tuna ....                           | \$1.27                    |
| Cereal (per oz.) ....                           | \$0.33                    |
| Cheese, 16 oz. ....                             | \$6.03                    |
| Eggs ....                                       | \$1.99                    |
| Gerber Infant Cereal—8 oz. ....                 | \$2.28                    |
| Infant Fruits, 100%—4 oz. ....                  | \$0.80                    |
| Infant Vegetables, 100%—4 oz. ....              | \$0.80                    |
| Infant Meats, 100%—2.5 oz. ....                 | \$1.13                    |
| Juice—11.5/12 oz. ....                          | \$2.43                    |
| Juice—48 oz. ....                               | \$3.15                    |
| Juice—64 oz. ....                               | \$3.95                    |
| Kosher Cheese—16 oz. ....                       | \$8.49                    |
| Kosher Low Fat Milk—1/2 gallon ....             | \$3.25                    |
| Kosher Whole Milk—1/2 gallon ....               | \$3.47                    |
| Milk, Low Fat—1/2 gallon ....                   | \$2.47                    |
| Milk, Whole—1/2 gallon ....                     | \$2.55                    |
| Peanut Butter—18 oz. ....                       | \$2.97                    |
| Whole Grain—Bread, 16 oz. ....                  | \$3.73                    |
| Whole Grain—Brown Rice, 16 oz. ....             | \$2.38                    |
| Whole Grain—Oats, 16 oz. ....                   | \$2.21                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, |                           |
| 16 oz. ....                                     | \$2.48                    |
| Good Start Gentle Concentrate—Orange            |                           |
| Formula—12.1 oz. ....                           | \$4.85                    |
| Good Start Gentle Concentrate—Orange            |                           |
| Formula—13 oz. ....                             | \$4.85                    |
| Good Start Gentle Powder—Orange Formula—        |                           |
| 12 oz. ....                                     | \$15.45                   |
| Good Start Gentle Powder Formula—12.7 oz. ....  | \$15.45                   |
| Good Start Soy Concentrate—Blue Formula—        |                           |
| 12.1 oz. ....                                   | \$5.12                    |
| Good Start Soy Concentrate—Blue Formula—        |                           |
| 13 oz. ....                                     | \$5.12                    |

| <i>Description</i>                                   | <i>Competitive Prices</i> |
|--|---------------------------|
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. .... | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. ....                                 | \$1.64                         |
| Beans/Peas—Dry—16 oz. ....                                     | \$2.02                         |
| Canned Fish—Pink Salmon ....                                   | \$2.17                         |
| Canned Fish—Sardines ....                                      | \$1.68                         |
| Canned Fish—Tuna ....  | \$1.16                         |
| Cereal (per oz.) ....  | \$0.33                         |
| Cheese, 16 oz. ....  | \$7.33                         |
| Eggs ....  | \$2.19                         |
| Gerber Infant Cereal—8 oz. ....                                | \$2.10                         |
| Infant Fruits, 100%—4 oz. ....                                 | \$0.65                         |
| Infant Vegetables, 100%—4 oz. ....                             | \$0.65                         |
| Infant Meats, 100%—2.5 oz. ....                                | \$1.03                         |
| Juice—11.5/12 oz. ....   | \$2.36                         |
| Juice—48 oz. ....  | \$3.23                         |
| Juice—64 oz. ....  | \$4.02                         |
| Kosher Cheese—16 oz. ....                                      | \$8.99                         |
| Kosher Low Fat Milk—quart ....                                 | \$1.61                         |
| Kosher Low Fat Milk—1/2 gallon ....                            | \$3.02                         |
| Kosher Whole Milk—quart ....                                   | \$1.60                         |
| Kosher Whole Milk—1/2 gallon ....                              | \$3.14                         |
| Milk, Dry—9.6 oz. ....   | \$4.38                         |
| Milk, Dry—25.6 oz. ....  | \$9.31                         |
| Milk, Evaporated—12 oz. ....                                   | \$1.43                         |
| Milk, Low Fat—quart ....                                       | \$1.48                         |
| Milk, Low Fat—1/2 gallon ....                                  | \$2.67                         |
| Milk, Low Fat Lactose Free—quart ....                          | \$2.33                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                     | \$3.91                         |
| Milk, Whole—quart ....   | \$1.47                         |
| Milk, Whole—1/2 gallon ....                                    | \$2.75                         |
| Milk, Whole Lactose Free—quart ....                            | \$2.35                         |
| Milk, Whole Lactose Free—1/2 gallon ....                       | \$3.92                         |
| Peanut Butter—18 oz. ....                                      | \$2.77                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                 | \$3.49                         |
| Soy Beverage—8th Continent 64 oz. ....                         | \$3.27                         |
| Tofu—16 oz. ....   | \$2.30                         |
| Whole Grain—Bread, 16 oz. ....                                 | \$3.91                         |
| Whole Grain—Bread, 24 oz. ....                                 | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$1.75                         |
| Whole Grain—Brown Rice, 24 oz. ....                            | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.31                         |
| Whole Grain—Oats, 24 oz. ....                                  | \$5.56                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas,<br>16 oz. .... | \$2.54                         |
| Boost RTF Formula—8 oz. ....                                   | \$2.00                         |
| EnfaCare RTF Formula—32 oz. ....                               | \$7.29                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                   | \$14.91                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                   | \$17.31                        |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$4.82                         |
| Enfamil Premium Infant RTF Formula—32 oz. ...                             | \$6.80                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.39                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.64                         |
| Good Start Gentle Concentrate—Orange<br>Formula—13 oz. ....               | \$4.64                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.85                         |
| Good Start Gentle RTF—Orange Formula—<br>32 oz. ....                      | \$6.49                         |
| Good Start Gentle Powder—Orange Formula—<br>12 oz. ....                   | \$14.84                        |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$14.84                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.82                         |
| Good Start Soy Concentrate—Blue Formula—<br>13 oz. ....                   | \$4.82                         |
| Good Start Soy RTF—Blue Formula—4-count,<br>8.45 oz. (33.8 oz.) ....      | \$6.96                         |
| Good Start Soy RTF—Blue Formula—32 oz. ....                               | \$6.75                         |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....                      | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                               | \$23.19                        |
| Good Start 2 Gentle Powder Formula—Blue<br>w/orange—24 oz. ....           | \$23.16                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                            | \$23.16                        |
| Good Start 2 Protect Powder Formula—Blue<br>w/green—24 oz. ....           | \$26.19                        |
| Good Start 2 Protect Powder Formula—22 oz. ....                           | \$26.19                        |
| Good Start Protect Powder Formula—Green—<br>12 oz. ....                   | \$14.65                        |
| Good Start Protect Powder Formula—12.4 oz. ....                           | \$14.65                        |
| Nutramigen LIPIL Concentrate Formula—<br>13 oz. ....                      | \$7.51                         |
| Nutramigen LIPIL RTF Formula—32 oz. ....                                  | \$9.06                         |
| Nutramigen LIPIL w/Enflora Powder<br>Formula—12.6 oz. ....                | \$23.67                        |
| Pediasure RTF Formula—8 oz. ....  | \$2.01                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                                  | \$2.22                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                                | \$2.55                         |
| Similac Advance Concentrate Formula—13 oz. ....                           | \$4.67                         |
| Similac Advance RTF Formula—32 oz. ....                                   | \$7.02                         |
| Similac Advance w/Iron Powder Formula—<br>12.4 oz. ....                   | \$13.60                        |
| Similac Expert Care Alimentum RTF<br>Formula—32 oz. ....                  | \$9.33                         |
| Similac Expert Care Alimentum Powder<br>Formula—16 oz. ....               | \$27.01                        |
| Similac Expert Care for Diarrhea RTF<br>Formula—32 oz. ....               | \$6.49                         |
| Similac Expert Care NeoSure RTF Formula—<br>32 oz. ....                   | \$7.81                         |
| Similac Expert Care NeoSure Powder<br>Formula—13.1 oz. ....               | \$16.16                        |
| Store Brand Milk Based Concentrate Formula—<br>13 oz. ....                | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ...                             | \$5.65                         |
| Store Brand Milk Based Powder Formula—<br>25.75 oz. ....                  | \$16.19                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans, Canned—15.5/16 oz. ....                                 | \$1.42                    |
| Beans/Peas—Dry—16 oz. ....                                     | \$1.78                    |
| Canned Fish—Pink Salmon ....                                   | \$2.14                    |
| Canned Fish—Sardines ....                                      | \$1.52                    |
| Canned Fish—Tuna ....  | \$1.10                    |
| Cereal (per oz.) ....  | \$0.30                    |
| Cheese, 16 oz. ....  | \$6.11                    |
| Eggs ....  | \$2.09                    |
| Gerber Infant Cereal—8 oz. ....                                | \$2.10                    |
| Infant Fruits, 100%—4 oz. ....                                 | \$0.64                    |
| Infant Vegetables, 100%—4 oz. ....                             | \$0.64                    |
| Infant Meats, 100%—2.5 oz. ....                                | \$1.01                    |
| Juice—11.5/12 oz. ....   | \$2.23                    |
| Juice—48 oz. ....  | \$3.12                    |
| Juice—64 oz. ....  | \$3.67                    |
| Kosher Cheese—16 oz. ....                                      | \$8.89                    |
| Kosher Low Fat Milk—1/2 gallon ....                            | \$2.97                    |
| Kosher Whole Milk—1/2 gallon ....                              | \$3.08                    |
| Milk, Low Fat—1/2 gallon ....                                  | \$2.52                    |
| Milk, Whole—1/2 gallon ....                                    | \$2.65                    |
| Peanut Butter—18 oz. ....                                      | \$2.61                    |
| Whole Grain—Bread, 16 oz. ....                                 | \$3.66                    |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$1.67                    |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.29                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas,<br>16 oz. .... | \$2.48                    |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....  | \$4.64                    |
| Good Start Gentle Concentrate—Orange<br>Formula—13 oz. ....    | \$4.64                    |
| Good Start Gentle Powder—Orange Formula—<br>12 oz. ....        | \$14.84                   |
| Good Start Gentle Powder Formula—12.7 oz. ....                 | \$14.84                   |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....      | \$4.82                    |
| Good Start Soy Concentrate—Blue Formula—<br>13 oz. ....        | \$4.82                    |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....           | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned—15.5/16 oz. ....  | \$1.64                         |
| Beans/Peas—Dry—16 oz. ....  | \$2.02                         |
| Canned Fish—Pink Salmon ....  | \$2.17                         |
| Canned Fish—Sardines ....   | \$1.68                         |
| Canned Fish—Tuna ....   | \$1.29                         |
| Cereal (per oz.) ....   | \$0.35                         |
| Cheese, 16 oz. ....   | \$7.33                         |
| Eggs ....   | \$2.19                         |
| Gerber Infant Cereal—8 oz. ....   | \$2.19                         |
| Infant Fruits, 100%—4 oz. ....  | \$0.79                         |
| Infant Vegetables, 100%—4 oz. ....  | \$0.79                         |
| Infant Meats, 100%—2.5 oz. ....   | \$1.13                         |
| Juice—11.5/12 oz. ....  | \$2.58                         |
| Juice—48 oz. ....   | \$3.24                         |
| Juice—64 oz. ....   | \$4.26                         |
| Kosher Cheese—16 oz. ....   | \$8.99                         |
| Kosher Low Fat Milk—quart ....  | \$1.61                         |
| Kosher Low Fat Milk—1/2 gallon ....                                       | \$3.02                         |
| Kosher Whole Milk—quart ....  | \$1.60                         |
| Kosher Whole Milk—1/2 gallon ....   | \$3.14                         |
| Milk, Dry—9.6 oz. ....  | \$4.51                         |
| Milk, Dry—25.6 oz. ....   | \$9.31                         |
| Milk, Evaporated—12 oz. ....  | \$1.54                         |
| Milk, Low Fat—quart ....  | \$1.48                         |
| Milk, Low Fat—1/2 gallon ....   | \$2.67                         |
| Milk, Low Fat Lactose Free—quart ....                                     | \$2.50                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                                | \$4.20                         |
| Milk, Whole—quart ....  | \$1.52                         |
| Milk, Whole—1/2 gallon ....   | \$2.75                         |
| Milk, Whole Lactose Free—quart ....                                       | \$2.35                         |
| Milk, Whole Lactose Free—1/2 gallon ....                                  | \$4.21                         |
| Peanut Butter—18 oz. ....   | \$2.92                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                            | \$3.62                         |
| Soy Beverage—8th Continent 64 oz. ....                                    | \$3.67                         |
| Tofu—16 oz. ....  | \$2.34                         |
| Whole Grain—Bread, 16 oz. ....  | \$3.91                         |
| Whole Grain—Bread, 24 oz. ....  | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz. ....                                       | \$2.06                         |
| Whole Grain—Brown Rice, 24 oz. ....                                       | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....   | \$2.39                         |
| Whole Grain—Oats, 24 oz. ....   | \$5.80                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas,<br>16 oz. ....            | \$2.59                         |
| Boost RTF Formula—8 oz. ....  | \$2.19                         |
| EnfaCare RTF Formula—32 oz. ....  | \$7.74                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                              | \$15.30                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                              | \$17.70                        |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$5.05                         |
| Enfamil Premium Infant RTF Formula—32 oz. ....                            | \$7.12                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.63                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.78                         |
| Good Start Gentle Concentrate—Orange<br>Formula—13 oz. ....               | \$4.78                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.86                         |
| Good Start Gentle RTF—Orange Formula—<br>32 oz. ....                      | \$6.87                         |
| Good Start Gentle Powder—Orange Formula—<br>12 oz. ....                   | \$15.39                        |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$15.39                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.95                         |

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Good Start Soy Concentrate—Blue Formula—13 oz. ....                | \$4.95                         |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) ..... | \$6.96                         |
| Good Start Soy RTF—Blue Formula—32 oz. ....                        | \$6.91                         |
| Good Start Soy Powder—Blue Formula—12.9 oz. ....                   | \$15.45                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                        | \$23.19                        |
| Good Start 2 Gentle Powder Formula—Blue w/orange—24 oz. ....       | \$23.35                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                     | \$23.35                        |
| Good Start 2 Protect Powder Formula—Blue w/green—24 oz. ....       | \$26.19                        |
| Good Start 2 Protect Powder Formula—22 oz. ....                    | \$26.19                        |
| Good Start Protect Powder Formula—Green—12 oz. ....                | \$15.52                        |
| Good Start Protect Powder Formula—12.4 oz. ....                    | \$15.52                        |
| Nutramigen LIPIL Concentrate Formula—13 oz. ....                   | \$8.13                         |
| Nutramigen LIPIL RTF Formula—32 oz. ....                           | \$9.06                         |
| Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....            | \$23.82                        |
| Pediasure RTF Formula—8 oz. ....                                   | \$2.29                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                           | \$2.22                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                         | \$2.55                         |
| Similac Advance Concentrate Formula—13 oz. ....                    | \$4.70                         |
| Similac Advance RTF Formula—32 oz. ....                            | \$7.15                         |
| Similac Advance w/Iron Powder Formula—12.4 oz. ....                | \$14.44                        |
| Similac Expert Care Alimentum RTF Formula—32 oz. ....              | \$9.74                         |
| Similac Expert Care Alimentum Powder Formula—16 oz. ....           | \$27.51                        |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. ....           | \$7.79                         |
| Similac Expert Care NeoSure RTF Formula—32 oz. ....                | \$7.93                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. ....           | \$16.68                        |
| Store Brand Milk Based Concentrate Formula—13 oz. ....             | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ....                     | \$5.65                         |
| Store Brand Milk Based Powder Formula—25.75 oz. ....               | \$17.39                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

| <i>Description</i>             | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. .... | \$1.42                    |
| Beans/Peas—Dry—16 oz. ....     | \$1.78                    |
| Canned Fish—Pink Salmon .....  | \$2.14                    |
| Canned Fish—Sardines .....     | \$1.52                    |
| Canned Fish—Tuna .....         | \$1.27                    |

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| Cereal (per oz.) .....                                      | \$0.32                    |
| Cheese, 16 oz. ....   | \$6.26                    |
| Eggs .....  | \$2.09                    |
| Gerber Infant Cereal—8 oz. ....                             | \$2.19                    |
| Infant Fruits, 100%—4 oz. ....                              | \$0.78                    |
| Infant Vegetables, 100%—4 oz. ....                          | \$0.78                    |
| Infant Meats, 100%—2.5 oz. ....                             | \$1.11                    |
| Juice—11.5/12 oz. ....                                      | \$2.43                    |
| Juice—48 oz. ....   | \$3.12                    |
| Juice—64 oz. ....   | \$3.94                    |
| Kosher Cheese—16 oz. ....                                   | \$8.89                    |
| Kosher Low Fat Milk—1/2 gallon .....                        | \$2.97                    |
| Kosher Whole Milk—1/2 gallon .....                          | \$3.08                    |
| Milk, Low Fat—1/2 gallon .....                              | \$2.52                    |
| Milk, Whole—1/2 gallon .....                                | \$2.65                    |
| Peanut Butter—18 oz. ....                                   | \$2.74                    |
| Whole Grain—Bread, 16 oz. ....                              | \$3.73                    |
| Whole Grain—Brown Rice, 16 oz. ....                         | \$2.06                    |
| Whole Grain—Oats, 16 oz. ....                               | \$2.34                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. .... | \$2.48                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. ....  | \$4.78                    |
| Good Start Gentle Concentrate—Orange Formula—13 oz. ....    | \$4.78                    |
| Good Start Gentle Powder—Orange Formula—12 oz. ....         | \$15.39                   |
| Good Start Gentle Powder Formula—12.7 oz. ....              | \$15.39                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. ....       | \$4.95                    |
| Good Start Soy Concentrate—Blue Formula—13 oz. ....         | \$4.95                    |
| Good Start Soy Powder—Blue Formula—12.9 oz. ....            | \$15.45                   |

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2011, through December 31, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>                 | <i>Maximum Allowable Price</i> |
|------------------------------------|--------------------------------|
| Beans, Canned—15.5/16 oz. ....     | \$1.64                         |
| Beans/Peas—Dry—16 oz. ....         | \$2.02                         |
| Canned Fish—Pink Salmon .....      | \$2.17                         |
| Canned Fish—Sardines .....         | \$1.68                         |
| Canned Fish—Tuna .....             | \$1.35                         |
| Cereal (per oz.) .....             | \$0.37                         |
| Cheese, 16 oz. ....                | \$8.34                         |
| Eggs .....                         | \$2.19                         |
| Gerber Infant Cereal—8 oz. ....    | \$2.57                         |
| Infant Fruits, 100%—4 oz. ....     | \$0.85                         |
| Infant Vegetables, 100%—4 oz. .... | \$0.85                         |
| Infant Meats, 100%—2.5 oz. ....    | \$1.18                         |
| Juice—11.5/12 oz. ....             | \$2.67                         |
| Juice—48 oz. ....                  | \$3.31                         |
| Juice—64 oz. ....                  | \$4.26                         |
| Kosher Cheese—16 oz. ....          | \$9.14                         |



| <i>Description</i>   | <i>Maximum Allowable Price</i> | <i>Description</i>                                     | <i>Maximum Allowable Price</i> |
|--|--------------------------------|--|--------------------------------|
| Kosher Low Fat Milk—quart  | \$2.00                         | Nutramigen LIPIL Concentrate Formula—<br>13 oz.        | \$8.23                         |
| Kosher Low Fat Milk—1/2 gallon                                       | \$3.28                         | Nutramigen LIPIL RTF Formula—32 oz.                    | \$10.63                        |
| Kosher Whole Milk—quart  | \$1.88                         | Nutramigen LIPIL w/Enflora Powder<br>Formula—12.6 oz.  | \$25.27                        |
| Kosher Whole Milk—1/2 gallon   | \$3.47                         | Pediasure RTF Formula—8 oz.                            | \$2.51                         |
| Milk, Dry—9.6 oz.  | \$4.70                         | Pediasure w/Fiber RTF Formula—8 oz.                    | \$2.51                         |
| Milk, Dry—25.6 oz.   | \$9.31                         | Pediasure Sidekicks RTF Formula—8 oz.                  | \$2.55                         |
| Milk, Evaporated—12 oz.  | \$1.66                         | Similac Advance Concentrate Formula—13 oz.             | \$5.17                         |
| Milk, Low Fat—quart  | \$1.64                         | Similac Advance RTF Formula—32 oz.                     | \$9.84                         |
| Milk, Low Fat—1/2 gallon   | \$2.85                         | Similac Advance w/Iron Powder Formula—<br>12.4 oz.     | \$16.51                        |
| Milk, Low Fat Lactose Free—quart                                     | \$2.50                         | Similac Expert Care Alimentum RTF<br>Formula—32 oz.    | \$10.33                        |
| Milk, Low Fat Lactose Free—1/2 gallon                                | \$4.22                         | Similac Expert Care Alimentum Powder<br>Formula—16 oz. | \$30.11                        |
| Milk, Whole—quart  | \$1.64                         | Similac Expert Care for Diarrhea RTF<br>Formula—32 oz. | \$9.73                         |
| Milk, Whole—1/2 gallon   | \$2.89                         | Similac Expert Care NeoSure RTF Formula—<br>32 oz.     | \$9.99                         |
| Milk, Whole Lactose Free—quart                                       | \$2.42                         | Similac Expert Care NeoSure Powder<br>Formula—13.1 oz. | \$17.22                        |
| Milk, Whole Lactose Free—1/2 gallon                                  | \$4.21                         | Store Brand Milk Based Concentrate Formula—<br>13 oz.  | \$3.67                         |
| Peanut Butter—18 oz.   | \$3.10                         | Store Brand Milk Based RTF Formula—32 oz.              | \$5.65                         |
| Soy Beverage—Pacific Natural Foods 32 oz.                            | \$3.62                         | Store Brand Milk Based Powder Formula—<br>25.75 oz.    | \$18.49                        |
| Soy Beverage—8th Continent 64 oz.                                    | \$3.67                         |  |                                |
| Tofu—16 oz.  | \$2.45                         |  |                                |
| Whole Grain—Bread, 16 oz.  | \$3.91                         |  |                                |
| Whole Grain—Bread, 24 oz.  | \$4.26                         |  |                                |
| Whole Grain—Brown Rice, 16 oz.                                       | \$2.43                         |  |                                |
| Whole Grain—Brown Rice, 24 oz.                                       | \$4.87                         |  |                                |
| Whole Grain—Oats, 16 oz.   | \$2.70                         |  |                                |
| Whole Grain—Oats, 24 oz.   | \$5.83                         |  |                                |
| Whole Grain—Soft Corn or Whole Wheat Tortillas,<br>16 oz.            | \$2.59                         |  |                                |
| Boost RTF Formula—8 oz.  | \$2.19                         |  |                                |
| EnfaCare RTF Formula—32 oz.  | \$9.24                         |  |                                |
| EnfaCare w/Iron Powder Formula—12.8 oz.                              | \$17.26                        |  |                                |
| EnfaCare w/Iron Powder Formula—15.1 oz.                              | \$18.80                        |  |                                |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz.                 | \$6.15                         |  |                                |
| Enfamil Premium Infant RTF Formula—32 oz.                            | \$8.45                         |  |                                |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz.                   | \$15.76                        |  |                                |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz.             | \$5.74                         |  |                                |
| Good Start Gentle Concentrate—Orange<br>Formula—13 oz.               | \$5.74                         |  |                                |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) | \$8.14                         |  |                                |
| Good Start Gentle RTF—Orange Formula—<br>32 oz.                      | \$7.80                         |  |                                |
| Good Start Gentle Powder—Orange Formula—<br>12 oz.                   | \$18.08                        |  |                                |
| Good Start Gentle Powder Formula—12.7 oz.                            | \$18.08                        |  |                                |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz.                 | \$5.53                         |  |                                |
| Good Start Soy Concentrate—Blue Formula—<br>13 oz.                   | \$5.53                         |  |                                |
| Good Start Soy RTF—Blue Formula—4-count,<br>8.45 oz. (33.8 oz.)      | \$7.47                         |  |                                |
| Good Start Soy RTF—Blue Formula—32 oz.                               | \$7.47                         |  |                                |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz.                      | \$17.59                        |  |                                |
| Good Start 2 Soy Powder Formula—24 oz.                               | \$23.49                        |  |                                |
| Good Start 2 Gentle Powder Formula—Blue<br>w/orange—24 oz.           | \$24.70                        |  |                                |
| Good Start 2 Gentle Powder Formula—22 oz.                            | \$24.70                        |  |                                |
| Good Start 2 Protect Powder Formula—Blue<br>w/green—24 oz.           | \$26.19                        |  |                                |
| Good Start 2 Protect Powder Formula—22 oz.                           | \$26.19                        |  |                                |
| Good Start Protect Powder Formula—Green—<br>12 oz.                   | \$16.43                        |  |                                |
| Good Start Protect Powder Formula—12.4 oz.                           | \$16.43                        |  |                                |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2011, through December 31, 2011, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

| <i>Description</i>             | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz.      | \$1.42                    |
| Beans/Peas—Dry—16 oz.          | \$1.78                    |
| Canned Fish—Pink Salmon        | \$2.15                    |
| Canned Fish—Sardines           | \$1.52                    |
| Canned Fish—Tuna               | \$1.30                    |
| Cereal (per oz.)               | \$0.34                    |
| Cheese, 16 oz.                 | \$6.61                    |
| Eggs                           | \$2.09                    |
| Gerber Infant Cereal—8 oz.     | \$2.57                    |
| Infant Fruits, 100%—4 oz.      | \$0.83                    |
| Infant Vegetables, 100%—4 oz.  | \$0.83                    |
| Infant Meats, 100%—2.5 oz.     | \$1.17                    |
| Juice—11.5/12 oz.              | \$2.57                    |
| Juice—48 oz.                   | \$3.23                    |
| Juice—64 oz.                   | \$4.07                    |
| Kosher Cheese—16 oz.           | \$9.04                    |
| Kosher Low Fat Milk—1/2 gallon | \$3.25                    |
| Kosher Whole Milk—1/2 gallon   | \$3.47                    |
| Milk, Low Fat—1/2 gallon       | \$2.75                    |
| Milk, Whole—1/2 gallon         | \$2.79                    |
| Peanut Butter—18 oz.           | \$2.97                    |

| <i>Description</i>   | <i>Competitive<br/>Prices</i> |
|--|-------------------------------|
| Whole Grain—Bread, 16 oz. ....                                 | \$3.73                        |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$2.38                        |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.69                        |
| Whole Grain—Soft Corn or Whole Wheat Tortillas,<br>16 oz. .... | \$2.48                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....  | \$5.74                        |
| Good Start Gentle Concentrate—Orange<br>Formula—13 oz. ....    | \$5.74                        |
| Good Start Gentle Powder—Orange Formula—<br>12 oz. ....        | \$18.08                       |
| Good Start Gentle Powder Formula—12.7 oz. ....                 | \$18.08                       |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....      | \$5.53                        |
| Good Start Soy Concentrate—Blue Formula—<br>13 oz. ....        | \$5.53                        |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....           | \$17.59                       |

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1670. Filed for public inspection September 23, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Excess Home Equity Limit for Individuals Applying for or Receiving Medical Assistance and Payment of Long-Term Care Services

The Department of Public Welfare increased the excess home equity limit described in 55 Pa. Code §§ 178.62a and 178.104b (relating to clarification of disqualification for payment of long-term care services due to substantial home equity—statement of policy; and clarification of fair consideration provisions for disposition of assets made on or after February 8, 2006—statement of policy). These statements of policy provide guidance for determining disqualification for payment of long-term care services due to excess home equity. These standards are required to be published annually in the *Pennsylvania Bulletin* and are available to the public upon request at the local County Assistance Office.

The following limit became effective January 1, 2011, as required by section 6014(f)(1)(C) of the Deficit Reduction Act of 2005 (42 U.S.C.A. § 1396p(f)(1)(C)):

Excess Home Equity Limit—\$506,000

#### *Fiscal Impact*

It is anticipated that there will be no fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this information to the Department of Public Welfare, Office of Income

Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

*(Editor's Note:* See 41 Pa.B. 5064 (September 24, 2011) for a Statement of Policy relating to this notice.)

**Fiscal Note:** 14-NOT-715. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1671. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Medical Assistance Dental Benefit Package Changes

The Department of Public Welfare (Department), under the authority of section 443.6(g) of the Public Welfare Code (code) (62 P.S. § 443.6(g)), as amended by the act of June 30, 2011 (P.L. 89, No. 22), announces benefit package changes for certain dental services for adult Medical Assistance (MA) recipients 21 years of age and older, effective September 30, 2011.

#### *Background*

The MA Program provides a continuum of physical and behavioral health services, including long-term care, inpatient hospital, pharmacy and outpatient services to approximately 2.2 million people in this Commonwealth.

States across the country, including Pennsylvania, are struggling to maintain their Medicaid programs as state revenues continue to lag, failing to keep pace with ever increasing caseloads and health care costs. While the caseload of persons eligible for the MA program in this Commonwealth continues to grow in State Fiscal Year (SFY) 2011-2012, the General Fund Budget is 4.1% less than SFY 2010-2011 amounts, to near SFY 2008-2009 levels.

The Department has taken steps to identify cost containment initiatives that will have the least detrimental impact on the health care needs of the MA population.

Rather than eliminating all dental services for the MA adult population, for example, the Department closely evaluated the utilization of, and payments for, particular dental services to determine which services could be limited with minimal impact. Based on MA utilization and claims data from SFY 2009-2010, the most recent year for which complete data is available, the changes to the dental benefit package would have had no impact on over 96% of the total MA eligible adult population eligible for dental benefits who received services in that fiscal year. The Department will therefore realize significant cost savings while maintaining core preventive dental services as well as some other dental services for recipients.

#### *Dental Benefit Changes*

Effective September 30, 2011, adult MA recipients 21 years of age and older will be eligible for the following:

- One partial upper denture or one full upper denture and one partial lower denture or one full lower denture per lifetime. Additional dentures will require a benefit limit exception.

- One dental exam and prophylaxis per 180 days, per adult recipient. Additional dental exams and prophylaxis will require a benefit limit exception.

- Crowns and adjunctive services, periodontal and endodontic services if the recipient receives a benefit limit exception.

The Department will grant benefit limit exceptions to the dental benefit package when one of the following criteria is met:

1. The Department determines the recipient has a serious chronic systemic illness or other serious health condition and denial of the exception will jeopardize the life of the recipient.

2. The Department determines the recipient has a serious chronic systemic illness or other serious health condition and denial of the exception will result in the rapid, serious deterioration of the health of the recipient.

3. The Department determines that granting a specific exception is a cost effective alternative for the MA Program.

4. The Department determines that granting an exception is necessary to comply with Federal law.

The specified dental benefit package changes do not apply to MA recipients under 21 years of age or to MA recipients who reside in a nursing facility, in an intermediate care facility for persons with mental retardation or in an intermediate care facility for persons with other related conditions.

Dental services previously approved through the Department's prior authorization process will be covered if the services are initiated prior to the close of the authorization period.

The Department will provide detailed instructions to providers regarding the dental benefit package changes by means of an MA Bulletin and updated Dental Handbook pages that include instructions for submitting a benefit limit exception

MA physical health managed care organizations (MCO) have the option to impose the same or lesser limits for the aforementioned dental services. If an MA physical health MCO imposes the same or lesser limits, the MA physical health MCO will issue individual notice to its members at least 30 days in advance of the changes and will notify network providers, according to the MCO individual provider agreements, in advance of the changes.

#### *Fiscal Impact*

The Fiscal Year 2011-2012 fiscal impact as a result of the changes to the dental benefit package is a savings of \$42.201 million (\$18.901 million in State funds and \$23.300 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the dental benefit package.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-718. No fiscal impact; (8) recommends adoption. The cost containment change is expected to save \$18,901,000 in State funds in Fiscal Year 2011-2012.

[Pa.B. Doc. No. 11-1672. Filed for public inspection September 23, 2011, 9:00 a.m.]

### **Rate-Setting Methodology and Rates for Residential Habilitation Services and Structured Day Habilitation Services for Community Care and Omnibus Budget Reconciliation Act Waiver Providers**

The Department of Public Welfare (Department) announces the development of a standardized rate-setting methodology and rates for residential habilitation and structured day habilitation services in the Department's Community Care (COMMCARE) and Omnibus Budget Reconciliation Act (OBRA) Home and Community-Based Waiver programs. These changes are effective for dates of service on and after October 1, 2011.

#### *Background*

As part of the Department's renewal of the COMM-CARE Waiver with the Centers for Medicare and Medicaid Services (CMS), and as a condition of continued Federal funding, the Department was required by CMS to separate structured day habilitation services from residential habilitation services and to assure CMS that reimbursement for waiver services must be established using a standardized rate-setting methodology. To comply with these CMS requirements, the Department has developed a standardized rate-setting methodology for these services and established service rates.

Residential habilitation reimbursement has historically varied by provider. As structured day habilitation is a new service that has been separated from the residential habilitation service, historical reimbursement does not exist. The Department surveyed current residential habilitation and structured day habilitation providers for financial information using cost survey tools. The Department also collected cost and staffing data from providers and compared the data across providers, to each provider's previous cost data submissions. When possible, the Department contacted providers to resolve any anomalies in their submitted cost data.

Room and board and costs are not eligible for Federal funding, are billed separately from residential habilitation and structured day habilitation and, therefore, are not included in the rate development.

#### *Methodology*

##### *Base rates*

The components utilized in the residential habilitation and structured day habilitation rate-setting methodologies are as follows:

- Direct Staffing costs
  - Staffing
  - Employee-Related Expenses
- Direct Program costs
  - Transportation/Community Habilitation Transportation
  - Program Supplies and Health Supplies/Program Supplies
  - Day Habilitation Center
- Indirect and Administrative costs

*Enhanced rates*

The Department developed enhanced rates for supporting a participant needing 1 to 1 or 2 to 1 assistance in the residential habilitation or structured day habilitation service settings. The rate-setting methodology includes staffing for such assistance is provided by residential or clinical aides available in either setting.

The components of the enhanced rate development are as follows:

- Direct Staffing costs
  - Staffing
  - Employee-Related Expenses
- Indirect and Administrative costs

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*Rates*

*Service*

Residential Habilitation  
Services in a 1-3 individual setting

Residential Habilitation  
Enhanced rate  
(Staff to individual ratio of 1:1)

Residential Habilitation  
Enhanced rate  
(Staff to individual ratio of 2:1)

Residential Habilitation  
Services in a 4-8 individual setting

Residential Habilitation  
Enhanced rate  
(Staff to individual ratio of 1:1)

Residential Habilitation  
Enhanced rate  
(Staff to individual ratio of 2:1)

Structured Day Habilitation  
Group Setting

Structured Day Habilitation  
Enhanced rate  
(Staff to individual ratio of 1:1)

Structured Day Habilitation  
Enhanced rate  
(Staff to individual ratio of 2:1)

*Unit Type*

Per Diem \$264.15

Hourly (Supplemental) \$19.79

Hourly (Supplemental) \$39.58

Per Diem \$247.67

Hourly (Supplemental) \$19.62

Hourly (Supplemental) \$ 39.23

Hourly \$34.56

Hourly (Supplemental) \$19.62

Hourly (Supplemental) \$39.23

*Fiscal Impact*

The estimated cost for Fiscal Year (FY) 2011-2012 is \$1.774 million (\$0.797 million in State funds). The annualized cost for FY 2012-2013 is \$2.365 million (\$1.070 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding the rates and rate-setting methodology to RA-waiverstandard@pa.gov or Department of Public Welfare/Department of Aging, Office of Long-Term Living, Bureau of Policy and Strategic Planning, Attention: Elaine Smith, Forum Place, 5th Floor, 555 Walnut Street, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

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AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-720. (1) General Fund; (2) Implementing Year 2011-12 is \$797,000; (3) 1st Succeeding Year 2012-13 is \$1,070,000; 2nd Succeeding Year 2013-14 is \$1,070,000; 3rd Succeeding Year 2014-15 is \$1,070,000; 4th Succeeding Year 2015-16 is \$1,070,000; 5th Succeeding Year 2016-17 is \$1,070,000; (4) 2010-11 Program—\$115,635,000; 2009-10 Program—\$95,063,000; 2008-09 Program—\$74,268,000; (7) Services to Persons with Disabilities; (8) recommends adoption. The Department will absorb the increased cost.

[Pa.B. Doc. No. 11-1673. Filed for public inspection September 23, 2011, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Cumberland County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning to replace a structurally deficient and deteriorating bridge carrying SR 3007, Section 007 over Big Spring Creek in West Pennsboro Township and North Newton Township, Cumberland County. The project also includes minor alignment improvements to the SR 3007/Log Cabin Road and the SR 3007/Springfield Road inter-sections.

This bridge replacement project will require the acquisition of right-of-way (0.02 acre) and slope easements (0.01 acre) from Fish and Boat Commission property, a publicly owned recreation area that qualifies as a Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Environmental Document (ED) has been developed for the project to evaluate the potential environmental impacts caused by the project along with a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use document. Mitigation measures will be taken to minimize harm to the Section 2002 resource as stipulated in the Level-1b ED.

The approved documents are available in the CE/EA Expert System. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-1674. Filed for public inspection September 23, 2011, 9:00 a.m.]

## Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The parcel is rectangular in shape consisting of approximately 1.167 acres. Constructed onsite is a two-story office building containing approximately 9,080 square feet of area. The first floor contains one large open room, three separate offices, two half baths, lunch room, equipment room, side room and a finished area that was used for drive through claims. The second floor has no final wall or floor finish. Estimated fair market value is \$439,000. Location of property is at 8 Morgan Drive in the Borough of Sinking Spring, Berks County (State Route 0222, Section 003 R/W). The sale of the property is

in an as-is condition. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

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

[Pa.B. Doc. No. 11-1675. Filed for public inspection September 23, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Alcohol Prohibition; Spring Creek Canyon Property, Spring Creek, Centre County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(c) (relating to limiting access to Commission property and other restrictions), has prohibited the use and possession of beer and alcoholic beverages on all Commission-owned or -controlled property in and along Spring Creek from the parking lot on Rock Road near Benner Spring downstream to the lower limit of the Catch and Release Fly Fishing Only area at Fishermen's Paradise, Benner Township, Centre County. The Executive Director deems this prohibition to be appropriate for the protection and management of Commission property. The prohibition is effective on September 30, 2011, when posted at the site. It is unlawful to violate restrictions imposed by the Executive Director on the Commission's behalf under 58 Pa. Code § 53.4(c).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1676. Filed for public inspection September 23, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, August 25, 2011, and announced the following:

#### *Action Taken—Regulation Disapproved*

Pennsylvania Public Utility Commission #57-269: Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets

**Disapproval Order**

Public Meeting held  
August 25, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson, recused; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli, dissenting; Lawrence J. Tabas, Esq.

**Pennsylvania Public Utility Commission—  
Natural Gas Distribution Companies and the  
Promotion of Competitive Retail Markets;  
Regulation No. 57-269 (#2772)**

On June 26, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking establishes 52 Pa. Code §§ 62.221 to 62.225. The proposed regulation was published in the July 11, 2009, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on June 24, 2011.

This final-form regulation is intended to foster more competition for gas customers as envisioned in the Natural Gas Choice and Competition Act of 1999 (Act) (66 Pa.C.S. §§ 2201—2212). The regulation establishes a mechanism for the local Natural Gas Distribution Company (NGDC) to reallocate costs and develop a “Price To Compare” (PTC) so that customers can compare gas prices between their NGDC and competitive Natural Gas Suppliers (NGS). The regulation directs the NGDC to file a revenue neutral reallocation of costs with the PUC for an on-the-record proceeding to determine the NGDC’s PTC after this regulation takes effect. The regulation also establishes rules for Purchase of Receivables Programs and other provisions relating to release, assignment or transfer of capacity.

We recognize that the PUC took extensive public comment in its development of this final-form regulation. However, we find this final-form regulation is not in the public interest. As explained further below, we find that the final-form regulation at 52 Pa. Code § 62.223 (relating to PTC), on its face, does not meet the criteria of legislative intent and it would cause adverse effects on competition and clarity. 71 P. S. §§ 745.5b(a), (b)(1)(i) and (b)(3).

*Supplier Of Last Resort (SOLR)*

The Act addresses SOLR at 66 Pa.C.S.A. § 2207(a), which states:

(a) SUPPLIER OF LAST RESORT.—

(1) After the effective date of this chapter, the natural gas distribution company shall serve as the supplier of last resort for residential, small commercial, small industrial and essential human needs customers and any other customer classes determined by the commission in the natural gas distribution company’s restructuring proceeding until such time as the commission, pursuant to this section, approves an alternative supplier or suppliers to provide such services to any or all of the natural gas distribution company’s customers.

(2) For purposes of this section, a supplier of last resort is a natural gas distribution company or natural gas supplier which is designated by the commission to provide natural gas supply service with respect to one or more of the following services:

(i) natural gas supply services to those *customers who have not chosen an alternative natural gas supplier or who choose to be served by their supplier of last resort*;

(ii) natural gas supply services to those *customers who are refused supply service from a natural gas supplier*; or

(iii) natural gas supply services to those *customers whose natural gas supplier has failed to deliver its requirements*.

*No customer shall have more than one supplier of last resort designated for any of the services set forth in this paragraph.* (Emphasis added.)

In addition, the Act states at 66 Pa.C.S.A. § 2203(5) that the PUC must “require that restructuring of the natural gas industry be implemented in a manner that does not unreasonably discriminate against one customer class for the benefit of another.”

Our finding is based on three points in the statute. First, a SOLR must perform its function for both shopping and non-shopping customers within the service territory of the NGDC, as stated in 66 Pa.C.S.A. §§ 2207(a)(2)(i), (ii) and (iii). Second, under 66 Pa.C.S.A. § 2207(a)(2), SOLR is a singular and unique function assigned to only one entity for the customer. Third, the statute also protects against cross-subsidization between customer classes.

Based on these statutory provisions, on page 2 of our comments on the proposed regulation we stated:

... it is not clear how the regulation protects against cross-subsidization between shopping and non-shopping customers in general, and particularly in regard to the supplier of last resort... the PUC should explain how the provisions... will properly separate costs in compliance with 66 Pa.C.S.A. § 2203(5) which protects customers from unreasonable discrimination against one customer class for the benefit of another.

Also, citing 66 Pa.C.S.A. § 2207, we stated on page 6 of our comments:

It is not clear in the regulation that all customers will share in the cost of a SOLR, even though a SOLR would have to be available to most customers. The PUC should explain how this proposed regulation will insure that procurement costs for SOLR are distributed equitably among all customers who may have to rely on a SOLR.

On pages 15 to 25 of the PUC’s Order accompanying the final-form submittal, recognizing the dissenting opinions of PUC Commissioners Gardner and Christy, the PUC outlines the positions of the commentators and expresses the intent to include SOLR costs in the PTC. The PUC intends for the PTC to include SOLR costs.

By including SOLR costs in the PTC, non-shopping customers will incur the cost of the SOLR. However, the PUC is establishing that the class of customers who shop and use the alternative services of the NGS will not be subject to the PTC costs and, therefore, would not share in the unique cost burden of the SOLR. Again, 66 Pa.C.S.A. § 2207(a)(2) specifies SOLR is for the services of both shopping and non-shopping customers, and it further provides that there will be only one SOLR

designated for these services. Also, the statute at 66 Pa.C.S.A. § 2203(5) protects against cross-subsidization. As such, based on the statute, we find that the intent of the PUC to include SOLR costs in the PTC is contrary to the statute both at 66 Pa.C.S.A. § 2207(a) and § 2203(5).

As required by the criterion at 71 P.S. § 745.5b(1)(ii), we must determine whether this regulation is in the public interest, and in making that determination, we have to consider whether the regulation would cause “adverse effects on prices of goods and services . . . or competition.” Pages 22 to 23 of the PUC’s Order contemplate designating an alternative SOLR if rates do not support the costs of the NGDC’s SOLR function. We find this point instructive. If the PUC did designate a third party alternate SOLR under 66 Pa.C.S.A. § 2207(a), the PTC for the NGDC would be lowered. However, in the absence of an alternate SOLR, the inclusion of SOLR in the NGDC’s PTC pushes the PTC higher. With that higher PTC, the NGS may compete with the higher PTC, rather than offer the rate paying customer the lowest price of gas the NGS can offer from the market. By including SOLR in the PTC, there may be more competitive NGS offers, but we question whether the rate paying customer would receive the full benefit of market based competition. We ask the PUC to explain how inclusion of SOLR costs in the NGDC’s PTC would not violate the criterion at 71 P.S. § 745.5b(1)(ii).

Finally, we also question if the PUC’s determination to include SOLR costs in the PTC in the order accompanying the regulation is premature. Under the final-form regulation (52 Pa. Code 62.223(b)), “An NGDC shall file a tariff change under 66 Pa.C.S. § 1308(a) . . . to identify the natural gas procurement costs included in its base rate and shall propose tariff revisions designed to remove those costs from its base rate and to recover those annual costs as part of the PTC (the GPC portion) on a revenue neutral basis.” Also, the PUC’s Order at Paragraph 7 directs “that NGDCs shall file, within 90 days of the effective date of these regulations, the tariff revisions required by Section 62.223 . . . in accordance with a filing schedule to be issued by the Commission [PUC].” The PUC will soon have a filing under § 1308(a) that will present a full record of the magnitude and effect of many costs on the PTC for each individual NGDC. With all due respect to the positions expressed in the PUC’s Order, dissenting opinions and the extensive public comments filed on this regulation, we question why the PUC would not defer judgment on PTC issues until quantifiable facts are presented in the NGDC’s § 1308(a) proceedings.

*Information presented in an understandable format to enable retail gas customers to make informed choices*

On pages 1 and 2 of our comments on the proposed regulation, we stated:

Under the Natural Gas Choice and Competition Act (Act) (66 Pa.C.S.A. § 2203(3)), the PUC is directed, in part, to “require natural gas distribution companies to unbundle natural gas supply services such that separate charges for services can be set forth in tariffs and on retail customers’ bills.” We believe the simplicity of how this is presented to customers will ultimately affect the participation of customers in competition. Ideally, this could be accomplished by a separation of total cost into distribution cost and supply cost. Hence, a customer could shop and compare the supply cost.

This [proposed] regulation presents a complex regulatory scheme that might be incomprehensible to most customers and as a result discourage them from participating in competition . . . While we recognize this is an attempt to separate costs, this method is confusing, even if it is technically correct . . . We recommend that the PUC reconsider the complexity of this regulation and the effect of that complexity on customer participation in competition. We also recommend that the PUC produce an example of a bill or pricing comparison that would be presented to the customer to illustrate the result of the final-form regulation and how it would foster competition. (Emphasis added.)

The PUC made substantial amendments to the proposed regulation, as shown in the final-form regulation. However, our concern lies with the statutory directive found in 66 Pa.C.S.A. § 2206(c) which directs the PUC to:

. . . by order or regulation, establish requirements that each natural gas distribution company and natural gas supplier provide adequate, accurate customer information to enable retail gas customers to make informed choices regarding the purchase of all natural gas services offered by that provider. Information shall be provided to retail gas customers in an understandable format that enables retail gas customers to compare prices and services on a uniform basis. (Emphasis added.)

We believe that the competitive process is enhanced and encouraged by presenting information to the customers in a clear and readily understandable manner so that the customer can make an informed decision with respect to the economic benefits of the competitive choices, which is the direct intent of the statute. We find that the PUC has not demonstrated that the provisions in this regulation establish compliance with the directives in 66 Pa.C.S.A. § 2206(c).

The regulation will establish a PTC from the NGDC, which a customer can use to compare NGDC and NGS prices for natural gas. However, this is only a portion of the amount the customer will be billed by the NGDC. The customer will continue to pay NGDC distribution charges and possibly other residual billing, such as over and under collections. It is also not clear what information the consumer will continue to receive after switching to an NGS to allow the consumer to evaluate whether or not to switch again to another NGS or back to the NGDC.

Without complete information on what will comprise the total bill, customers may get a false impression from the PTC that they are getting a good deal when there are other components of the total bill that are not considered. Additionally, it is not clear what information or protection the consumer would receive or could consider after the customer signs up with the NGS relating to the ability of the NGS to change the price.

We asked the PUC in our comments to produce an example of a bill or pricing comparison that would be presented to the customer to illustrate the result of the final-form regulation and how it would foster the competition intended by the statute. We continue to ask for a clear example of what will be presented to the retail gas customer. We ask the PUC to demonstrate in the resubmission of this regulation that it has established, by

order or regulation, requirements to meet 66 Pa.C.S.A. § 2206(c) so that a retail gas customer can “make informed choices regarding the purchase of all natural gas services offered by” the NGDC and NGS.

We have determined this regulation is not consistent with the statutory authority of the PUC and the intention of the General Assembly. In addition, upon consideration of all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

The regulation #57-269 (IRRC #2772) from the Pennsylvania Public Utility Commission: Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets was disapproved on August 25, 2011.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1677. Filed for public inspection September 23, 2011, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i>   | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|---|---|-----------------------------|
| 125-152         | Pennsylvania Gaming Control Board<br>Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker<br>41 Pa.B. 3836 (July 16, 2011) | 8/15/11                                   | 9/14/11                     |

**Pennsylvania Gaming Control Board  
Regulation #125-152 (IRRC #2898)**

**Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker**

**September 14, 2011**

We submit for your consideration the following comments on the proposed rulemaking published in the July 16, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Adverse effects on prices, productivity or competition.**

Section 25 of the Regulatory Analysis Form asks how this regulation compares with those of other states and how it will affect Pennsylvania’s ability to compete with other states. The Board’s response to these questions is that the regulations are consistent with the standards throughout the gaming industry and should not affect Pennsylvania’s ability to compete with other states.

While we have no reason to doubt the Board’s response to these questions, we seek more information on the house advantage that these regulations establish for each of the table games contained in this rulemaking. We ask the Board to provide this information and to compare it to other gaming jurisdictions, including New Jersey. This information will assist this Commission in determining if the regulation is in the public interest.

**2. Implementation procedures.**

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are:

- § 641a.2(c)
- § 641a.4(e)
- § 641a.5(a)
- § 641a.7(d)(4)
- § 641a.7(e)
- § 641a.12(c)
- § 641a.12(d)(1)
- § 641a.12(d)(3)
- § 641a.12(d)(5)
- § 643a.4(e)
- § 643a.5(a)
- § 643a.7(e)
- § 643a.7(f)
- § 643a.7(h)
- § 643a.12(a)
- § 643a.12(b)
- § 643a.12(c)
- § 643a.12(d)
- § 649a.2(c)
- § 649a.4(e)
- § 649a.5(a)
- § 649a.7(d)(4)
- § 649a.7(d)(5)
- § 649a.7(f)
- § 649a.12(b)
- § 649a.12(c)
- § 649a.12(d)
- § 649a.12(e)(1)
- § 649a.12(e)(3)
- § 649a.12(f)
- § 653a.2(c)
- § 653a.4(e)
- § 653.a.5(a)
- § 653a.7(d)(3)
- § 653a.12(c)
- § 653a.12(d)(3)
- § 653a.12(e)

It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.



**3. Clarity and lack of ambiguity.**

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certificate holders) are required to obtain certain approvals from the Board's Bureau of Gaming Operations, the Bureau of Gaming Laboratory Operations, or the Bureau of Casino Compliance. For example, Section 641a.2(b) states, in part, the following: "The layout for a Four Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:..." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final-form regulation include the procedures or appropriate cross-references to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 641a.2(b)
- § 641a.2(d)
- § 641a.5(f)(2)(ii)
- § 641a.5(g)
- § 641a.8(a)
- § 643a.2(b)
- § 643a.2(c)
- § 643a.2(d)
- § 643a.5(f)(2)(ii)
- § 643a.5(g)
- § 643a.8(a)
- § 649a.2(b)
- § 649a.2(d)
- § 649a.5(f)(2)(ii)
- § 649a.5(g)
- § 649a.8(a)
- § 653a.2(b)
- § 653a.2(d)
- § 653a.5(f)(2)(ii)
- § 653a.5(g)
- § 653a.8(a)

**4. Section 641a.9. Procedures for dealing the cards from the hand.—Reasonableness.**

Subsection (a)(1) requires an automated shuffling device to be used for the game of Four Card Poker if the cards are dealt from the dealer's hand. A commentator

believes that the safeguards and procedures contained in § 641a.5, relating to shuffle and cut of the cards, are sufficient to protect the integrity of gaming and suggests that rulemaking be amended to allow certificate holders the option of using an automated shuffling device or manually shuffling the cards. The commentator notes that this flexibility would assist in instances when the automated shuffling device becomes inoperable. We suggest that the Board amend the final-form rulemaking accordingly, or explain why doing so would compromise the integrity of gaming. We note that similar language can be found in §§ 643a.9(a)(1), 649a.9(a)(1) and 653a.9(a)(1), for the games of Let it Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker respectively.

**5. Section 641a.11. Procedures for completion of each round of play.—Reasonableness.**

Subsection (d) requires a dealer to leave all cards on the table until all wagers have been settled for the game of Four Card Poker. A commentator has noted leaving the cards on the table in this manner decreases the integrity of gaming and has suggested that this section be amended to allow a dealer to remove the cards of each player immediately after the dealer has settled the wagers for that player. In the Preamble to the final-form regulation, we ask the Board to explain how the language in the proposed rulemaking adequately protects the integrity of gaming compared to the suggestion of the commentator. We note that similar language can be found in §§ 643a.11(g), 649a.11(d) and 653a.11(k), for the games of Let it Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker respectively.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1678. Filed for public inspection September 23, 2011, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

| <i>Reg. No.</i> | <i>Agency/Title</i>   | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 16A-5724        | State Board of Veterinary Medicine<br>License Renewal; Continuing Education | 9/12/11         | 10/20/11              |
| 16A-4931        | State Board of Medicine<br>Perfusionist                                     | 9/12/11         | 10/20/11              |

*Final-Omit*

|       |   |        |          |
|-------|---|--------|----------|
| 54-66 | Pennsylvania Liquor Control Board<br>Brewery Pubs                   | 9/7/11 | 10/20/11 |
| 54-67 | Pennsylvania Liquor Control Board<br>Connection With Other Business | 9/7/11 | 10/20/11 |
| 54-68 | Pennsylvania Liquor Control Board<br>Limited Wineries               | 9/7/11 | 10/20/11 |

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1679. Filed for public inspection September 23, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Domestic Certificate of Authority by OBI National Insurance Company

OBI National Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—1007.15).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1680. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application for Domestic Certificate of Authority by OneBeacon Specialty Insurance Company

OneBeacon Specialty Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—1007.15).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1681. Filed for public inspection September 23, 2011, 9:00 a.m.]

### Application and Request for Approval to Redomesticate from Unity Financial Life Insurance Company

Unity Financial Life Insurance Company, a domestic stock life insurance company, has filed an application for

approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Ohio. The initial filing was made under 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 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1682. Filed for public inspection September 23, 2011, 9:00 a.m.]

### GEICO General Insurance Company; GEICO Indemnity Insurance Company; Private Passenger Automobile; Rate Revisions

On September 2, 2011, the Insurance Department (Department) received from GEICO General Insurance Company and GEICO Indemnity Insurance Company a filing for rate level changes for Private Passenger Automobile insurance.

GEICO General Insurance Company requests an overall 3.7% increase amounting to \$7,994,000 annually, to be effective November 10, 2011, for new business and December 23, 2011, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

GEICO Indemnity Insurance Company requests an overall 2.6% increase amounting to \$2,047,000 annually, to be effective November 10, 2011, for new business and December 23, 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 November 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](http://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](mailto:xlu@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1683. Filed for public inspection September 23, 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 11, 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.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2011-2256878. (Corrected) Jdog, LLC** (409 Millhouse Pond, Wayne, Chester County, PA 19087)—a limited liability corporation of the Commonwealth of Pennsylvania—household goods in use, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania and vice versa.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-2011-2260729. Norman L. Maser** (465 Noble Road, Atglen, PA 19310) for the discontinuance of service and cancellation of his certificate as a common carrier, by motor vehicle, at A-6410125, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1684. Filed for public inspection September 23, 2011, 9:00 a.m.]

# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

|                  |  |           |
|------------------|--|-----------|
| October 13, 2011 | Mark David Dawson<br>Election of Multiple Service Credit | 1 p.m.    |
| October 27, 2011 | Joseph A. Greene<br>Disability Retirement Benefits       | 1:30 p.m. |

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 11-1685. Filed for public inspection September 23, 2011, 9:00 a.m.]



