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PENNSYLVANIA BULLETIN

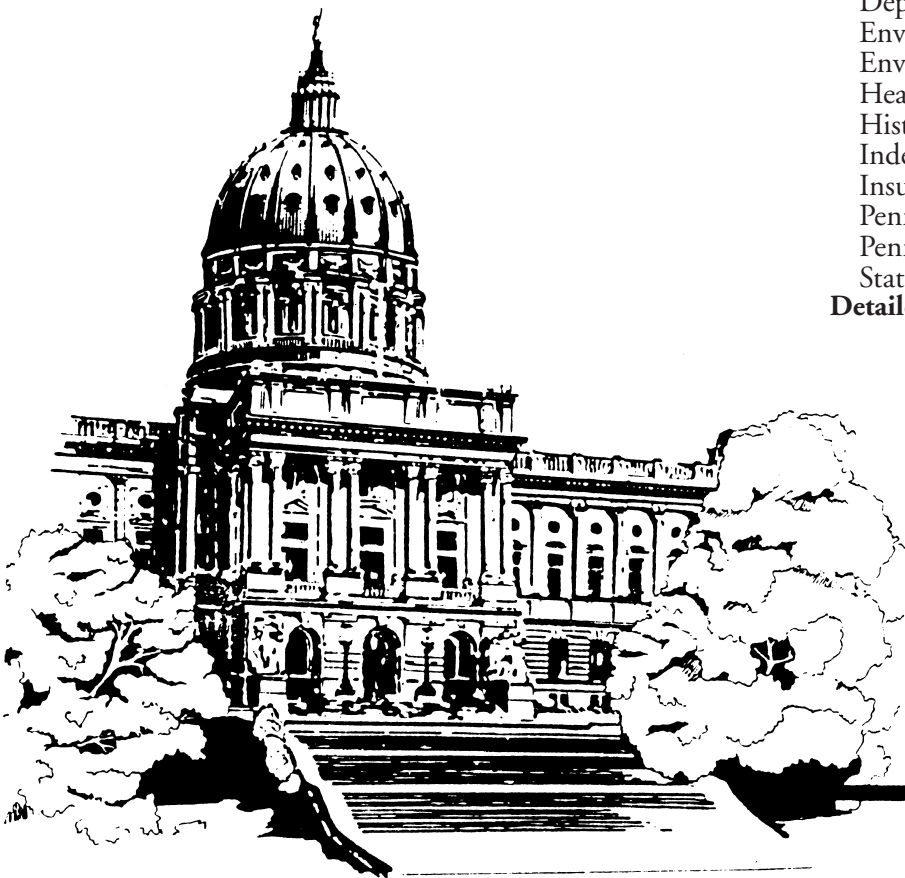
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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Proposed Amendments to Rule 15 of the Rules Governing Standards of Conduct for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania revise Rule 15 of the Pennsylvania Rules Governing Standards of Conduct for Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory reports.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635

Fax: 717-231-9546

or email to: minorcourt.rulespa@courts.us

no later than November 5, 2010.

By the Minor Court Rules Committee

MARK A. BRUNO,
Chair

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

Rule 15. Public Office and Political Activity.

A. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

B. (1) **As used in this paragraph, "partisan political activity" includes, but is not limited to, serving as a committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, making political speeches, making or soliciting contributions for a political campaigns, political action committee or organization, attending political gatherings, dinners or other**

functions, but shall not include involvement in non-partisan or public community organizations or professional groups.

(2) Magisterial district judges or a candidate for such office shall not:

[(1)] (a) hold office in a political party or political organization or publicly endorse candidates for political office.

[(2)] (b) engage in partisan political activity, **[deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions) or attend political or party conventions or gatherings,]** except as authorized in subdivision C of this rule. Nothing herein shall prevent magisterial district judges or candidates for such offices from making political contributions to a campaign of a member of their immediate family.

C. Magisterial district judges or candidates for such offices may **[in the year they run for office,]** attend political or party conventions or gatherings, speak to such gatherings or conventions on their own behalf, identify themselves as members of a political party, and contribute to **[their own campaign,]** a political party or political organization (including purchasing tickets **with their own personal funds** for political party dinners or other functions) **beginning immediately following the General Election in the year prior to the calendar year in which they may become a candidate for such office. Magisterial district judges or candidates for such offices may contribute to their own campaigns at such time as permitted by law.**

D. With respect to their campaign conduct, magisterial district judges or candidates for such office shall:

(1) maintain the dignity appropriate to judicial office, and shall encourage members of their family to adhere to the same standards of political conduct that apply to them.

(2) prohibit public officials or employees subject to their direction or control from doing for them what they are prohibited from doing under this rule; and except to the extent authorized under subdivision D(4) of this rule shall not allow any other person to do for them what they are prohibited from doing under this rule.

(3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact.

Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002) concluded that a canon of judicial conduct prohibiting judicial candidates from "announcing their views on disputed legal or political issues" is violative of the First Amendment of the United States Constitution.

(4) not themselves solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign, **including the purchase of tickets for political party dinners or other functions**, and to obtain public statements of

support for their candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. Candidates' committees may solicit funds for their campaign no earlier than thirty (30) days prior to the first day for filing nominating petitions, and all fundraising activities in connection with such campaign shall terminate no later than the last calendar day of the year in which the election is held. Candidates should not use or permit the use of a campaign contribution for the private benefit of themselves or members of their family.

E. Magisterial district judges shall resign their office when they become candidates either in a party primary or in a general election for a non-judicial office.

Official Note: This rule is derived from former Rule 15 and from Canon 7 of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct, as well as **Guidelines Regarding Political Activity By Court-Appointed Employees**, see **204 Pa. Code 29.471—474**. This rule prohibits only political activity that is partisan in nature and consequently there is no objection to magisterial district judges becoming engaged in political activity of a public service nature, such as, for example, political activity in behalf of measures to improve the law, the legal system or the administration of justice.

Nothing in paragraph C is intended to promote the ability of a magisterial district judge or candidate for such office to announce candidacy for office, form a committee or raise funds prior to the date prescribed by law.

REPORT

Proposed Amendments to the Pennsylvania Rules Governing Standards of Conduct for Magisterial District Judges

General Prohibition on Partisan Political Activity and Permitted Political Activity Prior to Initiation of Campaign

I. *Background*

The Minor Court Rules Committee (“the Committee”) was contacted by the chair and vice-chair of the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania with a request to discuss possible amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct for Magisterial District Judges (“Rule 15”) to clarify the point in time at which magisterial district judges and candidates for such office may begin undertaking otherwise prohibited political activity prior to the formal start of campaign activities. While considering those amendments, the Committee also examined the undefined term “partisan political activity,” and drafted a non-inclusive definition to clarify the prohibition on such activity.

II. *Discussion*

The Committee reviewed Rule 15C, which provides that “[m]agisterial district judges or candidates for such offices may in the year they run for office” engage in otherwise prohibited political activities. (Emphasis added.) The Committee found the phrase “in the year they run” ambiguous, and agreed that setting a date certain for the permissible initiation of political activities would clarify the matter for both incumbents and candidates.

During its discussion of Rule 15, the Committee examined the term “partisan political activity” as used in Rule 15B(2), and noted that it was not a defined term.

Accordingly, the Committee endeavored to draft a non-inclusive definition of “partisan political activity” to aid magisterial district judges in identifying proscribed conduct.

III. *Proposed Rule Changes*

To address the issues discussed above, the Committee proposes adding a definition of “partisan political activity” to Rule 15, and amending the permitted period for engaging in political activities to “immediately following the General Election in the year prior to the calendar year in which they may become a candidate for such office.” However, the Committee does not intend for these changes to promote the ability of a magisterial district judge or candidate to announce candidacy for office, to form a committee, or to raise funds prior to the date prescribed by law.

[Pa.B. Doc. No. 10-1866. Filed for public inspection October 1, 2010, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Proposed Amendments to Rules 120 and 140

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rules 120 and 140 be adopted and prescribed. These proposed modifications address a definition for “court” and make clarifications in the bench warrant rule.

The following Explanatory Report highlights the intent of this Rule. Please note that the Committee’s Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Explanatory Reports.

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

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

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

All comments shall be received no later than Friday, October 29, 2010.

By the Juvenile Court Procedural Rules Committee

CYNTHIA K. STOLTZ, Esq.,
Chair

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.

* * * * *

JUDGE is a judge of the Court of Common Pleas.

* * * * *

Comment

* * * * *

The term “disposition” includes all final determinations made by the court. A disposition includes a response to an adjudication of delinquency, such as sending the juvenile to a placement facility or placing the juvenile on probation. It also includes other types of final determinations made by the court. Other final determinations include a finding that the juvenile did not commit a delinquent act pursuant to Rule 408(B), a finding that the juvenile is not in need of treatment, rehabilitation, or supervision pursuant to Rule 409(A)(1), dismissing the case “with prejudice” prior to an adjudicatory hearing, or any other final action by the court that closes or terminates the case.

The term “judge” is a judge of the Court of Common Pleas, including senior judges when they are properly commissioned. It does not include magisterial district judges. Magisterial district judges; however, are included within the definition of “court” when they have the power to issue arrest warrants pursuant to Rule 210. Arrest warrants are distinguished from Bench Warrants pursuant to Rules 140 & 141. Only judges of the Court of Common Pleas may issue bench warrants if the juvenile: 1) fails to appear at a hearing; or 2) absconds from the court’s supervision.

The “official court record” is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. The court may also designate any document to be a part of the record. It does not include items contained in juvenile probation’s reports and files unless they are made a part of the official record by being filed with the clerk of courts.

* * * * *

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.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 37 Pa.B. 1483 (April 7, 2007).

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 38 Pa.B. 1142 (March 8, 2008).

Final Report explaining the amendment to Rule 120 published with the Court’s Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010).

Rule 140. Bench Warrants for Failure to Appear at Hearings.

A. Issuance of warrant.

1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

B. Entry of warrant information. Upon being notified by the court, the juvenile probation officer or other court designee shall enter or request that a law enforcement officer enter the bench warrant in all appropriate registries.

C. Juvenile.

1) *Where to take the juvenile.*

a) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge **or master** designated by the President Judge to hear bench warrants.

b) If the juvenile is not brought before a judge **or master**, the juvenile shall be released unless:

i) the warrant specifically orders detention of the juvenile; or

ii) there are circumstances learned at the time of the surrender or apprehension that warrant detention of the juvenile.

c) If a juvenile is detained, the juvenile shall be detained in a detention facility or other facility designated in the bench warrant by the judge pending a hearing.

2) *Prompt hearing.*

a) If a juvenile is detained [**pursuant to a specific order in the bench warrant**], the juvenile shall be brought before the judge who issued the warrant, a judge **or master** designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to paragraph (C)(4) within seventy-two hours.

b) If the juvenile is not brought before a judge **or master** within this time, the juvenile shall be released.

3) *Notification of guardian.* If a juvenile is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the juvenile’s guardian of the juvenile’s whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a juvenile is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) Arrangements to transport the juvenile shall be made immediately.

c) If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge **or master** of the county where the juvenile is found.

d) The judge will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the juvenile to the county of issuance.

5) *Time requirements.* The time requirements of Rules 240, 391, 404, 510, and 605 shall be followed.

D. *Witnesses.*

1) *Where to take the witness.*

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge **or master** designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge **or master**, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge **or master** may order detention of the witness pending a hearing.

1) *Minor.* If a detained witness is a minor, the witness shall be detained in a detention facility.

2) *Adult.* If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt hearing.*

a) If a witness is detained pursuant to paragraph (D)(1)(c) or brought back to the county of issuance pursuant to paragraph (D)(4)(f), the witness shall be brought before the judge **or master** by the next business day.

b) If the witness is not brought before a judge within this time, the witness shall be released.

3) *Notification of guardian.* If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) The witness shall be taken without unnecessary delay and within the next business day to a judge **or master** of the county where the witness is found.

c) The judge **or master** will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order that arrangements be made to transport the witness to the county of issuance.

d) Arrangements to transport the witness shall be made immediately.

e) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

i) *Minor.* If the witness is a minor, the witness may be detained in an out-of-county detention facility.

ii) *Adult.* If the witness is an adult, the witness may be detained in an out-of-county jail.

f) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

g) If the time requirements of this paragraph are not met, the witness shall be released.

E. *Return and execution of the warrant for juveniles and witnesses.*

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge **or master** designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

5) Once the warrant is vacated, the juvenile probation officer or other court designee shall remove or request that a law enforcement officer remove the bench warrant in all appropriate registries.

Comment

Pursuant to paragraph (A), the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under paragraph (A)(1), the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the juvenile or witness may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention for a juvenile. The normal rules of procedure in these rules are to be followed if a juvenile is detained. *See* Chapter Two, Part D.

Pursuant to paragraph (C), the "juvenile" is the subject of the delinquency proceedings. When a witness is a child, the witness is referred to as a "minor." This distinction is made to differentiate between children who are alleged delinquents and children who are witnesses. *See* paragraph (C) for alleged delinquents and paragraph (D) for witnesses. *See* also Rule 120 for definition of "juvenile" and "minor."

Pursuant to paragraph (C)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge **or master** designated by the President Judge of that county to hear bench warrants.

[Pursuant] This provision allows the judge the discretion to postpone a hearing until later in the same day while the police officer, sheriff, or probation officer retrieves the juvenile. The juvenile is to be brought immediately before the court for the hearing. However, pursuant to paragraph (C)(1)(b), if

a bench warrant specifically provides that the juvenile may be detained in a detention facility, **or there are circumstances learned at the time of the surrender or apprehension that warrant detention of the juvenile**, the juvenile may be detained without having to be brought before the judge until a hearing within seventy-two hours under paragraph (C)(2)(a). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. *See* paragraph (C)(2)(b).

However, at the seventy-two hour hearing, the judge or master may determine that the juvenile willfully failed to appear and may continue the detention of the juvenile until the rescheduled hearing. If the juvenile is detained, the rescheduled hearing is governed by the time requirements of all the other rules of procedure. *See* Rules 240, 391, 404, 510 and 605.

Under paragraphs (C)(2) and (C)(4), a juvenile taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the juvenile is found. *See* Rule 240(C).

Pursuant to paragraph (C)(4), the juvenile may be detained out-of-county until transportation arrangements can be made.

Pursuant to paragraph (C)(5), the time requirements of all other rules are to apply to juveniles who are detained. *See, e.g.*, Rules 240, 391, 404, 510, and 605.

Pursuant to paragraph (D)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge **or master** designated by the President Judge of that county to hear bench warrants. **[Pursuant] This provision allows the judge the discretion to postpone a hearing until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the witness. The witness is to be brought immediately before the court for the hearing. However, pursuant to paragraph (D)(1)(b), if the judge or master is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph (D)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph (D)(2) is to be held by the next business day or the witness is to be released. *See* paragraph (D)(2)(b).**

However, at the twenty-four hour hearing, the judge or master may determine that the witness willfully failed to appear and is in contempt of court, or that the witness is in need or protective custody. If the judge or master has made one of these findings, the judge or master may continue the detention of the witness until the rescheduled hearing. The judge or master should schedule the hearing as soon as possible. In any event, if the witness is detained, the rescheduled hearing must be conducted by the specific time requirements of all the other rules of procedure. *See* Rules 240, 391, 404, 510 and 605.

Pursuant to paragraph (D)(4)(b), a witness is to be brought before an out-of-county judge **or master** by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought

before the judge who issued the bench warrant by the next business day. *See* paragraph (D)(4)(f).

Pursuant to paragraph (E)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge **or master** designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. *See* paragraph (E)(3).

Pursuant to paragraph (E)(4), the bench warrant is to be vacated after the return of the warrant is executed. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to paragraph (E)(5), once the warrant is vacated, the juvenile probation officer, other court designee, or law enforcement officer is to remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

See 42 Pa.C.S. § 4132 for punishment of contempt for juveniles and witnesses.

Official Note: Rule 140 adopted February 26, 2008, effective June 1, 2008[; amended]. Amended September 30, 2009, effective January 1, 2010.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 140 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008).

Final Report explaining the amendments to Rule 140 with the Court's Order at 39 Pa.B. [6033] 6029 (October 17, 2009).

EXPLANATORY REPORT

Rule 120—Definitions

The Committee wanted to clarify that when it uses the term "court" throughout the Rules, it is referring to the Court of Common Pleas. The term includes Senior Judges when they are properly commissioned. It does NOT include magisterial district judges.

Rule 140—Bench Warrants for Failure to Appear at Hearings

The term "master" was added in several places in this Rule to allow masters to hear cases if the President Judge of each judicial district has designated the master to hear bench warrant cases in their jurisdiction. *See* paragraphs (C)(2)(a) and (D)(2)(a).

The Committee is proposing that masters should be able to preside at detention hearings on bench warrants. The judge or master determines whether: 1) the juvenile willfully failed to attend the hearing for which the bench warrant was issued; and 2) the juvenile should continue to be detained until further court proceedings.

Only a judge has the authority to issue a bench warrant. However, once the juvenile is detained, the master may conduct the detention hearing when so designated by the President Judge.

Also, several provisions were added to the Comment to explain the intent of the Rule. This Rule was designed to not only allow a judge to issue a bench warrant to detain a juvenile or witness until a hearing was rescheduled, but to also allow the judge to postpone the hearing until later in the same day while a police officer, sheriff, or probation

officer retrieves the juvenile or witness and brings the juvenile or witness to court for the hearing.

This provision is helpful if everyone is present and ready to testify except the juvenile or the witness. The police officer, sheriff, or probation officer can retrieve the juvenile or witness and bring them to court to begin the proceedings. This is the current practice in some counties and is helpful in alleviating the continuances of proceedings.

In addition, the Committee would like to stress that juveniles and witnesses must be brought to court without unnecessary delay and the warrants must specifically authorize detention. Witnesses are to appear before a judge or master within twenty-four hours; whereas, the juvenile must appear within seventy-two hours. This time difference distinguishes witnesses from juveniles.

Witnesses should be treated with higher priority and should be released unless the judge or master finds that the witness willfully failed to appear or needs protective custody. Even if the judge or master finds that the witness willfully failed to appear, a witness may be released in the court's discretion.

[Pa.B. Doc. No. 10-1867. Filed for public inspection October 1, 2010, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 300 AND 500]

Proposed Rule 326 and Amendments to Rules 324 and 514 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt an entirely new Rule 326, as well as revisions to Rules 324 and 514 of the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory reports.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635

Fax: 717-231-9546

or email to: minorcourt.rules@pacourts.us

no later than November 12, 2010.

By the Minor Court Rules Committee

MARK A. BRUNO,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 324. Notice of Judgment [**or Dismissal**] and the Right to Appeal.

A. Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment [**or dismissal**].

B. The written notice of judgment [**or dismissal**] shall contain:

* * * * *

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

Rule 326. Plaintiff Request to Withdraw Complaint; Settlement.

A.(1) A plaintiff may withdraw the complaint prior to the commencement of the hearing by filing a written notice of withdrawal with the magisterial district court. Upon receipt of such notice, the magisterial district court shall note the withdrawal of the complaint on the docket, cancel any scheduled hearing, and notify the parties.

(2) A withdrawal of the complaint filed prior to the commencement of the hearing shall be deemed to be without prejudice. The plaintiff may file a new complaint on the same cause of action upon payment of all applicable fees and costs.

B.(1) The parties may file a written notice of settlement with the magisterial district court at any time prior to the entry of judgment. Upon receipt of such request, the magisterial district court shall note the case settled on the docket, cancel any scheduled hearings, and notify the parties.

(2) Where the parties have filed a notice of settlement with the magisterial district court and a subsequent breach of the settlement agreement occurs, a party may file a new complaint citing breach of the settlement agreement as the cause of action.

Official Note: A complaint filed pursuant to subparagraph A(2) or B(2) shall not be treated as a "reinstatement" of the underlying action, and is subject to all prescribed costs for filing and service of a complaint. *Compare with* Rule 314, which provides for reinstatement of the complaint under the limited circumstance of failure to make timely service.

This rule also applies to the withdrawal or settlement of a counterclaim.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 514. Judgment; Notice of Judgment [**or Dismissal**] and the Right to Appeal.

* * * * *

C. (1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment [**or dismissal**].

D. The written notice of judgment [or dismissal] shall contain:

* * * * *

REPORT

Proposed New Rule 326 and Revisions to Rules 324 and 514 of the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Withdrawal of Complaint by Plaintiff and Settlement Between the Parties

I. Background

As part of its long term planning process, the Minor Court Rules Committee (“the Committee”) discussed the need for a rule based practice in the magisterial district courts for withdrawal of the complaint and settlement of the action. It was noted that the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges (“the Rules”) do not provide for such actions, resulting in inconsistent statewide practice, and uncertainty for litigants. Moreover, the Committee wished to distinguish civil actions resulting in withdrawals and settlements from complaints dismissed without prejudice, which is limited in the Rules to the circumstances of failure of service under Rule 314(D). Finally, the Committee noted the use of the term “dismissal” in Rules 324 and 514 was misleading, as a judgment for either party is the outcome of a hearing in magisterial district court.

II. Discussion and Proposed Rule Changes

The Committee identified the need for two procedures addressing withdrawal of complaints and settlement of actions. First, the Committee addressed the situation where a plaintiff seeks to withdraw a complaint prior to the start of the hearing. The Committee proposes a new rule establishing that a plaintiff may withdraw a complaint prior to the start of the hearing upon written notice to the magisterial district court. Following receipt of such notice, the court would note the withdrawal on the docket, cancel any scheduled hearing, and notify the parties. With respect to the future rights of the parties, the Committee proposes that a withdrawal of the complaint would be deemed to be without prejudice, and a plaintiff may file a new complaint on the same cause of action upon payment of all applicable fees and costs. Under no circumstances would a new complaint filed pursuant to this rule be handled as a reinstatement, which is limited to the circumstances set forth in Rule 314 (failure to make timely service).

Second, the Committee addressed the situation where the parties seek to settle the action prior to the entry of judgment. As with a withdrawal, the court would note the settlement on the docket, cancel any scheduled hearings, and notify the parties. If a subsequent breach of the settlement agreement should occur, it would be necessary for a party to file a new complaint citing breach of the settlement agreement as the cause of action, subject to all applicable fees and costs, and would not be handled as a reinstatement of the original case.

The Committee also intends that proposed Rule 326 would also apply to the withdrawal or settlement of a counterclaim.

Finally, in reviewing other rules that use the term “dismissed,” the Committee noted that the outcome of a hearing in the magisterial district courts is a judgment for the plaintiff or defendant, not a dismissal of the

action. Accordingly, the Committee recommends deleting references to “dismissals” as used in Rules 324 and 514.

[Pa.B. Doc. No. 10-1868. Filed for public inspection October 1, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Rules of Court; No. CP-03-AD-0000189-2002

Order of Court

And Now, this 13th day of August, 2010, effective November 1, 2010, it is hereby *Ordered* that Armstrong County Local Orphans’ Court Rule 15.4 be amended to read as follows

Rule 15.4A. Involuntary Termination of Parental Rights. Form of Notice.

(a) The notice required by 23 Pa.C.S. § 2513(b) shall state the following in italics, which will be in addition to the language explicitly called for by said statute:

Should you appear and indicate that you intend to oppose the termination of your rights, the time will be used as a pre-trial conference and a new hearing date will be set.

The language shall be added as the last sentence of the first paragraph of the statutorily prescribed notice.

(b) The notice required by 23 Pa.C.S. § 2513(b) shall designate the “Prothonotary of Armstrong County, Room 103, Armstrong County Courthouse, Kittanning, PA 16201 (telephone: 724-543-2500)” as the person from whom information can be obtained about legal help.

Comment

The Local Rules of Civil Procedure designate the Prothonotary as the person from whom information can be obtained about legal help. This rule makes the Prothonotary the source of similar information in orphans’ court matters, as well.

The Court Administrator is hereby *Directed* to:

(1) file seven certified copies of the rule with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of the rule and a computer diskette containing the text of the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of the rule with the Orphan’s Court Procedural Rules Committee; and

(4) keep the rule continuously available in the Office of the Clerk of Orphans’ Court Division for public inspection and copying.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 10-1869. Filed for public inspection October 1, 2010, 9:00 a.m.]

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

Order of Court

And Now, this 13th day of August, 2010, effective November 1, 2010, it is hereby *Ordered* that Armstrong County Local Rule of Civil Procedure No. 1910.12 be amended to read as follows

Rule 1910.12. Office Conference. Hearing. Continuances. Appearances by Attorneys. Exceptions to Hearing Officer's Report. Transcript.

(a) An office conference scheduled as a result of the filing of a complaint shall be continued by the conference officer one time upon written request of a party. Each party shall be entitled to one such continuance. Thereafter, an additional continuance shall be allowed by the conference officer only if the parties agree thereto in writing or if an order of Court is obtained directing the same.

(b) The continuance of an office conference scheduled as a result of the filing of a petition to modify shall be allowed by the conference officer only if the parties agree thereto in writing or if an order of Court is obtained directing the same.

(b.1) Notwithstanding the provisions of subsections (a) and (b) of this Rule, if litigation on a current complaint or current petition to modify, including exceptions or appeals thereon, is still pending at the time a new petition to modify is filed, the office conference will not be scheduled until after the current litigation has been disposed of, unless otherwise directed by special order of Court.

(c) The continuance of a hearing to be conducted by a hearing officer may be allowed at the hearing officer's discretion.

(c.1) Notwithstanding the provisions of subsections (a), (b), (b.1), or (c) of this Rule, a general continuance or its equivalent may only be obtained by order of court. The Court, in its order granting a general continuance or its equivalent, may provide for the automatic dismissal of the cause then before it if no further action is requested or directed by a party within 180 days of the Order of Court granting the continuance.

(d) An application for a court order directing a continuance of either an office conference or a hearing shall be presented in Motions Court.

(d.1) The failure of a party to appear at a hearing after receiving notice thereof may be deemed by the hearing officer as the withdrawal of that party's complaint for support, petition to modify, or demand for hearing, as the case may be.

(e) An attorney who represents a party in any action for support shall file a written appearance. Except as otherwise provided in Pa.R.C.P. No. 1910.6, the withdrawal of an appearance shall be governed by Pa.R.C.P. No. 1012(b).

(f) A party who files exceptions to a hearing officer's report shall order, pay for, and file with the Prothonotary, a transcript of the hearing. The hearing officer shall contact the exceptant's lawyer, or if there is none, the exceptant, by mail regarding the amount and method of payment. A down payment of \$100.00 or one-half of the estimated cost of the transcript is hereby deemed to be reasonable. The Court will enforce payment of a delinquent balance for a transcript with its contempt papers.

If a transcript is not filed with the Prothonotary before argument on the exceptions, the exceptions may be dismissed for that reason.

The Court Administrator is hereby *Directed* to:

(1) file seven certified copies of the rule with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of the rule and a computer diskette containing the text of the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of the rule with the Domestic Relations Procedural Rules Committee; and

(4) keep the rule continuously available in the Office of Prothonotary for public inspection and copying.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 10-1870. Filed for public inspection October 1, 2010, 9:00 a.m.]

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

Order of Court

And Now, this 13th day of August, 2010, effective November 1, 2010, it is hereby *Ordered* that Armstrong County Local Rule of Civil Procedure No. 1920.51 be amended to read as follows

Rule 1920.51. Appointment of Master. Preliminary Conference. Security for Payment of Master's Fees and Costs. Allocation.

(a) In all divorce or annulment actions where there are unresolved issues properly referable to a master under applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by Pa.R.C.P. No. 1920.51(a)(3). The moving party shall pay a sum of money to the Prothonotary at the time the motion is filed, which sum shall be determined from time to time by order of Court, as security for payment of master's fees and costs.

(b) The master shall schedule a preliminary conference immediately after the order of appointment has been entered. The preliminary conference shall occur within sixty (60) days of the date of appointment, and it shall be attended by the parties and their counsel. At the preliminary conference, those present shall explore the possibility of resolving the issues in dispute without further litigation. At least three (3) days in advance of the preliminary conference, the parties shall exchange memoranda expressing their perceptions of and position on the issues, providing the master with a copy of the same. If a party fails to appear either personally or through counsel at a preliminary conference, the costs of the conference shall be assessed against such party in any ultimate equitable distribution award recommended by the master.

(c) After payment to the Prothonotary of an additional sum of money as security for payment of the master's fees and costs, the master shall schedule an evidentiary hearing to receive evidence on all issues which were not resolved at the preliminary conference. The master shall schedule the evidentiary hearing only after a party has

presented satisfactory proof to him that the additional security for costs have been paid. The amount of the additional security shall be determined from time to time by order of Court.

(d) The Court may, upon motion of the master presented at Motions Court, require a party to enter security for the master's fees and costs in addition to that required under subsections (a) and (c) of this rule.

(e) The master's fees and costs shall be regarded as costs of the case, and the master may recommend and the Court may order an equitable allocation of the same as part of the final adjudication and order, even if the security already paid is sufficient to pay them in full.

(f) The provisions of this rule shall apply to instances where the Court appoints a master pursuant to its own motion.

(g) The master's fee and costs incurred as a result of the scheduling or conducting of a preliminary conference or a hearing shall be paid by the Prothonotary upon approval of the court.

Comment

See L.R.C.P. No. 1920.31 for the procedure to be followed in claims for alimony pendente lite asserted in a divorce proceeding.

The Court Administrator is hereby *Directed to*:

(1) file seven certified copies of the rule with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of the rule and a computer diskette containing the text of the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of the rule with the Domestic Relations Procedural Rules Committee; and

(4) keep the rule continuously available in the Office of Prothonotary for public inspection and copying.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 10-1871. Filed for public inspection October 1, 2010, 9:00 a.m.]

ARMSTRONG COUNTY

Order Designating the Court Administrator to Receive Reports Regarding Adjustment, Progress and Condition of Child, Pursuant to Pa.R.J.C.P. 1604(B); CP-03-AD-000008-2010

Order of Court

And Now, this 13th day of August, 2010, the Court Administrator of Armstrong County is *Hereby Designated* to receive reports regarding a child's adjustment, progress, and condition, pursuant to Pa.R.J.C.P. 1604(B). The Court Administrator is hereby directed to

(1) file seven certified copies of the Order with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of the Order and a computer diskette containing the text of the Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of the Order with the Juvenile Court Procedural Rules Committee; and

(4) keep the Order continuously available in the Office of the Prothonotary for public inspection and copying.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 10-1872. Filed for public inspection October 1, 2010, 9:00 a.m.]

BEAVER COUNTY

Procedures to Govern Public Access to the Records of the Magisterial District Courts within the 36th Judicial District; Administrative Doc. No. 68 of 2010

Administrative Order

And Now, this 15th day of September, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010, it is hereby Ordered and Directed that the following procedures shall be utilized to govern public access to the records of the Magisterial District Courts within the 36th Judicial District.

A. FEES: Fee Schedule for Responding to Public Access Requests

The following fees shall be charged to the public in response to requests for public access to the official case records of the Magisterial District Courts:

(1) Photocopying/printing: \$.25/page

(2) Retrieval/Redaction: \$7.00/15 minutes
No fee shall be charged for the initial 15 minutes of staff time required to respond to a public access request.

(3) CD: \$5.00 each

(4) Postage: Actual cost

(5) Court Records Manager may require a requestor to prepay an estimate of the fees associated with the request, if the fees are expected to exceed \$100.

(6) Arrangements may be made for approved requests to be viewed by appointment at no charge.

(7) Fees under this paragraph may be waived by either the Court Records Manager or the Magisterial District Judge if it is determined that the requestor is indigent.

B. Public Access Request Procedures

(1) A request for access to official case records of the Magisterial District Courts may be made to either the Magisterial District Court from which the record is sought or from the Court Records Manager.

Any written request, regardless if submitted to a Magisterial District Court or to the Court Records Manager, shall be submitted on an AOPC Request Form. You may access this form from the following UJS web site:

<http://www.aopc.org/t/specialcourts/localrules.htm>. Such form is also available in any Magisterial District Court or may be downloaded from the Beaver County Court web site: www.beavercountycourts.org.

If a request is submitted directly to a Magisterial District Court, that court shall notify the Court Records Manager to ensure a timely and efficient response to the request.

(2) The requestor, within fifteen (15) business days of notification of the decision, may appeal a denial to the President Judge, Beaver County Courthouse, 810 Third Street, Beaver, PA 15009.

The Court Administrator of Beaver County shall file or distribute copies of this Administrative Order as follows:

1. One (1) certified copy shall be filed with the Administrative Office of Pennsylvania Courts.

2. Two (2) certified copies and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One (1) certified shall be kept continuously available for public inspection and copying in the office of each Magisterial District Court.

This Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

HONORABLE JOHN D. McBRIDE,
President Judge

[Pa.B. Doc. No. 10-1873. Filed for public inspection October 1, 2010, 9:00 a.m.]

MONROE COUNTY

Administrative Order 2010; No. AD24 5CV2010

Order

And Now, this 10th day of September, 2010, Administrative Order 21 signed February 4, 2010, (*Public Access to Magisterial District Court Records*) is rescinded, effective with the publication of this order in the *Pennsylvania Bulletin*.

It Is Further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for

publication, and that one copy shall be filed with the Prothonotary—Civil of the Court of Common Pleas of Monroe County.

By the Court

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 10-1874. Filed for public inspection October 1, 2010, 9:00 a.m.]

MONROE COUNTY

Administrative Order 2010; No. AD25 5CV2010

Order

And Now, this 10th day of September, 2010, in accordance with the Judicial Code 42 Pa.C.S. § 4301(b), *It Is Ordered* that the following procedures shall be utilized to ensure a policy is in place to govern public access to the paper records of the Magisterial District Courts within the Forty-Third Judicial District.

It Is Further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Prothonotary—Civil of the Court of Common Pleas of Monroe County.

1. Public Request Access.

(a) Verbal requests for records are to be filled within 48 hours.

(b) All denials for record requests must be issued in writing and the requestor, within 15 business days of notification of the decision, can appeal such a denial to the Deputy Administrator Special Courts.

2. Fee Schedule.

(a) Copying per page—\$.25

(b) Preparing, copying and re-filing requested court documents—\$8.00 per 1/4 hour

(c) Estimated costs are to be pre-paid

(d) Fees paid for services rendered are non-refundable

5. The effective date of this Order is after publication in the *Pennsylvania Bulletin*.

By the Court

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 10-1875. Filed for public inspection October 1, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 123]

Outdoor Wood-Fired Boilers

The Environmental Quality Board (Board) amends Chapters 121 and 123 (relating to general provisions; and standards for contaminants) to read as set forth in Annex A.

This order is adopted by the Board at its meeting of July 13, 2010.

A. *Effective Date*

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

These amendments will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan upon promulgation of this final-form rulemaking.

B. *Contact Persons*

For further information, contact Ron Gray, Chief, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3369; or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

C. *Statutory Authority*

This final-form rulemaking is adopted under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background and Summary*

On July 18, 1997, the EPA amended the National Ambient Air Quality Standard (NAAQS) for particulate matter (PM) to add a new standard for fine particles, using fine particulates equal to and less than 2.5 micrometers in diameter (PM_{2.5}) as the indicator. The EPA set the health-based (primary) and welfare-based (secondary) PM_{2.5} annual standard at a level of 15 micrograms per cubic meter (µg/m³) and the 24-hour standard at a level of 65 µg/m³. See 62 FR 38652 (July 18, 1997). The health-based primary standard is designed to protect human health from elevated levels of PM_{2.5}, which have been linked to premature mortality and other important health effects. The secondary standard is designed to protect against major environmental effects of PM_{2.5} such as visibility impairment, soiling and materials damage. The following counties in this Commonwealth have been designated nonattainment for the 1997 fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong, Beaver, Berks, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene, Indiana, Lancaster, Lawrence, Lebanon, Montgomery, Philadelphia, Washington, Westmoreland and York.

Subsequently, on October 17, 2006, the EPA revised the primary and secondary 24-hour NAAQS for PM_{2.5} to 35 µg/m³ from 65 µg/m³. See 71 FR 61236 (October 17, 2006). On December 18, 2008, all or portions of the following counties in this Commonwealth were designated by the EPA as nonattainment for the 2006 24-hour fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong (partial), Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York.

The health effects associated with exposure to PM_{2.5} are significant. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease and children.

A significant and growing source of PM_{2.5} emissions in this Commonwealth is from outdoor wood-fired boilers (OWBs). OWBs, also referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances or outdoor hydronic heaters, are free-standing fuel-burning devices designed: (1) to burn clean wood or other approved solid fuels; (2) specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, such as garages; and (3) to heat building space or water by means of distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture. OWBs are being sold to heat homes and buildings and to produce domestic hot water.

The emissions, health effects and the nuisance factor created by the use of OWBs are a major concern to the Department of Environmental Protection (Department). The Northeast States for Coordinated Air Use Management has conducted stack tests on OWBs. Based on the test results, the average PM_{2.5} emissions from 1 OWB are equivalent to the emissions from 205 oil furnaces or as many as 8,000 natural gas furnaces. Cumulatively, the smallest OWB has the potential to emit almost 1 1/2 tons of PM every year. Of the estimated 155,000 OWBs sold Nationwide, 95% have been sold in 19 states, of which this Commonwealth is one.

Unlike indoor wood stoves that are regulated by the EPA, Federal standards do not exist for OWBs and the majority of them are not equipped with pollution controls. The EPA initiated a voluntary program that encourages manufacturers of OWBs to improve air quality through developing and distributing cleaner-burning, more efficient OWBs. Phase 1 of the program was in place from January 2007 through October 15, 2008. To qualify for Phase 1, manufacturers were required to develop an OWB model that was 70% cleaner-burning than unqualified models by meeting the EPA air emission standard of 0.6 pound PM per million Btu heat input as tested by an independent accredited laboratory. Phase 1 Partnership Agreements ended when the Phase 2 Partnership Agree-

ments were initiated on October 16, 2008. To qualify for Phase 2, manufacturers must develop an OWB model that is 90% cleaner-burning than preprogram, unqualified OWBs and meet the EPA air emissions standard of 0.32 pound PM per million Btu heat output as tested by an independent accredited laboratory. The emission standard established in the final-form rulemaking is the Phase 2 emission standard described in the EPA voluntary program.

The final-form rulemaking would help assure that the citizens of this Commonwealth will benefit from reduced emissions of PM_{2.5} from OWBs. Attaining and maintaining levels of PM_{2.5} below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM_{2.5} exposure. There are many citizen complaints regarding the operation of OWBs. This final-form rulemaking reduces the problems associated with the operation of OWBs, including smoke, odors and burning prohibited fuels including garbage, tires, hazardous waste and the like. Reductions in ambient levels of PM_{2.5} would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

A review of the Department's complaint tracking system reveals a significant amount of activity regarding OWB complaints in this Commonwealth. Since 2005, the Department has logged 200 complaints. In the Northeast Regional Office, complaints were received from 8 of 11 counties; 11 of 14 counties in the Northcentral Regional Office; 10 of 12 counties in the Northwest Regional Office; 2 of 4 counties in the Southeast Regional Office; 13 of 15 counties in the Southcentral Regional Office; and 9 of 9 counties in the Southwest Regional Office. Complaints are being received across this Commonwealth, but most frequently from the northern tier counties.

While there are no Federal limits for the OWBs that would be subject to regulation under this final-form rulemaking, section 4.2 of the APCA (35 P. S. § 4004.2) authorizes the Board to adopt regulations more stringent than Federal requirements when the control measures are reasonably necessary to achieve and maintain the ambient air quality standards. These measures are reasonably necessary to attain and maintain the primary and secondary 24-hour NAAQS for PM_{2.5} in this Commonwealth.

E. Summary of Comments and Responses

The Board received over 2,000 comments regarding the proposed OWB regulations during the public hearings and public comment period. Of those, 538 were in full support of the proposed rulemaking, 723 were in support contingent upon revisions being made to the proposed rulemaking and 745 were opposed to the proposed rulemaking.

Several commentators noted that PM_{2.5} pollution from OWBs is associated with heart disease, lung disease and premature deaths and have severe effects on neighbors' quality of life. The health effects associated with exposure to PM_{2.5} are significant. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. The final-form rulemaking helps assure that the citizens of this Commonwealth will benefit from reduced emissions of PM_{2.5} and air toxics from OWBs. Attaining and maintaining levels of PM_{2.5} below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM_{2.5} exposure.

Other commentators are concerned about the odors and pollutants caused by burning garbage and trash in OWBs. The final-form rulemaking, in § 123.14(f) and (g) (relating to outdoor wood-fired boilers), prohibits the burning of trash or garbage in new or existing OWBs.

Several commentators suggested a ban on the operation of OWBs. The intention is not to ban the use of OWBs, but to control some aspects of the operation of OWBs to reduce future health impacts and air emissions and nuisances. The Board recognizes the value of heating with OWBs, including providing a lower cost fuel option which is particularly important in the present economy, use of a renewable and plentiful fuel and reduction of the country's dependency on fossil fuel.

Many commentators complained about the smoke odors. The Board recognizes that ground-level smoke is one of the problems with the operation of conventional model OWBs. The final-form rulemaking should provide some relief from the impact of smoke odors due to the Phase 2 emission standards.

Several commentators complained about having to deal with the smoke and odors year-round since the neighboring OWB is used throughout the year for hot water or to heat swimming pools. The Board appreciates these concerns, but decided not to impose a seasonal prohibition. The Board believes that a better approach is to educate owners of OWBs on more efficient operation of the units to reduce complaints.

A few commentators stated that OWB operation can only be adequately controlled at the State level. The Board believes that the final-form rulemaking will consistently regulate OWBs across this Commonwealth, instead of the piecemeal, inconsistent way OWBs are currently regulated. This would be particularly appropriate for establishing emission standards for new OWBs installed in this Commonwealth.

A few commentators stated that using coal as a fuel creates problems. The regulation is targeted for OWBs. Coal-fired units are not covered by the EPA Phase 2 certification program and, therefore, are beyond the scope of this regulation.

A commentator stated that penalties should be included in the regulation. The Board does not include penalties in specific regulations. Penalties for violations of regulations are calculated by way of penalty assessment policies developed by the Department. However, the first steps in dealing with OWB noncompliance would be education and voluntary compliance by the owner.

Several commentators stated that minimum stack height requirements should be greater. Based upon the comments received and further investigation, the Department determined that the proposed stack heights would be problematic for stack stability and the proper operation of the OWB. The Board has proposed a minimum stack height of 10 feet for new Phase 2 OWBs; additionally, these stacks shall be installed according to manufacturer's specifications.

A commentator stated that stringent standards should be included for commercial units. Currently, the Department routinely addresses commercial units through existing regulations. However, the EPA is developing new source performance standards requirements that will regulate the emission rate of the commercial units.

A commentator stated that existing OWB owners and operators should apply for a permit within 30 days and comply within 60 days. The Department is prohibited

from requiring permits for home heating devices at private residences by section 6.1 of the APCA (35 P. S. § 4006.1).

Several commentators had general concerns about stack height requirements for existing and new OWBs. The stack height requirements for existing OWBs have been eliminated in the final-form regulation. The stack height requirements for new OWBs established in the final-form regulation provide that new OWBs must have a permanent stack that extends at least 10 feet above the ground and be installed according to the manufacturer's specifications.

Some commentators believe opacity requirements for residential-sized OWBs are unreasonable because opacity is based on a subjective, visual observation. The opacity regulation, as defined in § 123.41 (relating to limitations), is an existing Statewide regulation limiting the visual emissions emanating from stacks. The Department's field staff is certified annually to determine the percent opacity from stacks. Opacity is not a subjective visual observation for these certified individuals. The opacity regulation would be used when there is a complaint submitted to the Department about the operation of an OWB. The ability to use an objective visual test to determine if there is an actual nuisance could be helpful both to the complainant and the OWB owner.

Several commentators believe that existing OWBs should be grandfathered. The Board eliminated the stack height requirements for existing OWBs. Existing units need to comply with existing laws and the final-form regulation's fuel requirements.

Other commentators are concerned about the incremental cost of new Phase 2 units. According to the EPA, OWBs fueled by wood, pellets and other biomass cost between \$8,000 and \$18,000, depending on the size of the unit. The cleaner Phase 2 units may cost between \$9,200 to \$20,700, or about 15% more. Because of the changes made to improve the efficiency of these units and reduce their emissions, most of these new models are significantly more efficient. The cleaner Phase 2 units use less wood to produce the same amount of heat, reducing the cost of wood purchases.

Commentators believe that the regulation of OWBs is a local issue and disagree with a one-size-fits-all approach. The Board believes the final-form rulemaking sets Statewide minimum criteria for new Phase 2 units as well as the basic criteria for cleaner fuel. Local municipalities can still enact ordinances that are stricter.

One commentator asked whether municipalities would need to pass their own ordinances referencing this final-form rulemaking before they could require compliance. A municipality may enact an ordinance that adopts a Department regulation by reference, but would then enforce it as its own ordinance. If a municipality does not have an ordinance that includes the Department's regulatory requirements, it could not enforce the Department's regulation directly. Further, in accordance with section 12 of the APCA (35 P. S. § 4012), local municipalities may enact ordinances more stringent than the final-form regulation.

One commentator believes that the proposed regulation may be considered a government "taking," placing the Commonwealth at risk for numerous lawsuits from those using OWBs. The Board disagrees that the regulation is a regulatory taking. The final-form regulation merely establishes a number of environmental and public health requirements that property owners shall abide by if they install an OWB on their property.

Other commentators believe that a regulatory issue like OWBs should go through the Legislature and be voted on by elected officials. The Board believes that it has legal authority from the General Assembly to enact the regulation. Statutory authority for the Board to enact an OWB regulation comes from section 5(a)(1) of the APCA, which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

One commentator suggested the regulation of OWBs on a Statewide scale is a policy decision of such a substantial nature that it requires legislative review. Section 5(a)(1) of the APCA gives the Board the authority to adopt regulations to prevent, control, reduce and abate air pollution. The final-form regulation is adopted to prevent, control, reduce, and abate air pollution. The Department undertook additional discussions with the legislative members subsequent to receipt of their comments. The Department also provided the draft final-form rulemaking to the legislative members for review.

One commentator wondered why the Board believes that it is now more appropriate for a State agency to regulate OWBs when the model ordinance that was developed by the Department stated that "it believes that local municipalities can respond to and resolve issues more effectively and swiftly than a state agency." The Board believes that local governments can still respond to home heating issues. The final-form rulemaking only sets the Statewide minimum criteria for new Phase 2 units as well as the basic criteria for cleaner fuel. Local municipalities can still enact ordinances that are stricter.

A commentator pondered the need for this final-form rulemaking and questioned why enforcement of the existing regulatory and statutory requirements cannot provide adequate protection of the public health, safety and welfare. The intent of the final-form regulation is to ensure that only the cleanest OWB units are sold in this Commonwealth.

The commentator asked the Board to allow the requirements of the final-form regulation to be phased-in over time so that the three manufacturers in this Commonwealth will not be negatively affected by the final-form rulemaking. A sell-through exemption has been established in the final-form regulation. The sell-through exemption specifies that a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB in this Commonwealth unless the OWB was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption shall remain in effect through May 31, 2011.

The commentator noted that the setback and stack height provisions in § 123.14(c) and (d), respectively, have been cited by many commentators as problematic. The Board made the following changes to those subsections, renumbered as subsections (d) and (e). For subsection (d), setback requirements for new Phase 2 OWBs, a person may not install a Phase 2 OWB in this Commonwealth unless the boiler is installed a minimum of 50 feet from the nearest property line. For subsection (e), stack height requirements for new Phase 2 OWBs, the requirements are a permanent stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications. These changes are in line with the Hearth, Patio & Barbecue Association's Outdoor Hydronic Heater Caucus recommendations.

The commentator urged the Board to include specific language in the final-form regulation that would exempt

individuals involved with real estate transactions from these regulations. The Board added language to the final-form rulemaking.

The commentator noted that since Phase 2 OWBs are cleaner burning devices than non-Phase 2 OWBs, what is the need for the significant setback requirement for them (150 feet from the nearest property line) in the proposed regulation. The commentator suggested that the setback be a function of distance to the nearest residence, not property line. The setback requirement has been revised from 150 feet to the nearest property line to 50 feet from the nearest property line. The Board believes that setbacks should be based on a property line. The use of property lines will minimize the emission impact from a new Phase 2 unit.

A few commentators opposed the proposed OWB regulation because it will limit the use of OWBs for agricultural purposes. The Board appreciates the comments regarding the use of OWBs for agricultural purposes. Under section 4.1 of the APCA (35 P.S. § 4004.1), the Board does not have the authority to adopt rules and regulations relating to air pollution arising from the production of agricultural commodities, unless the regulations are required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q). However, if the OWB is being used exclusively to heat or provide hot water, or both, for a residence located on agricultural property, then the final-form regulation would apply.

Some commentators opposed the proposed OWB regulation because it would hinder or ban the ability to use wood for home heating. The final-form regulation does not ban the use of OWBs. Instead, it sets minimum controls for the use of OWBs to reduce health impacts, air emissions and nuisances. The Board also recognizes the value of heating with OWBs, including providing a lower cost fuel option which is particularly important in the present economy, use of a renewable and plentiful fuel and reduction of the country's dependency on fossil fuel.

The commentator opposed the proposed OWB regulation because it would promote increased use of oil and natural gas, which results in greater fuel dependency. The Board agrees that it is important to encourage the use of renewable fuels, such as wind, solar, geothermal and wood, and thereby reduce the country's dependency on fossil fuels. The OWB regulation does not ban or hinder the use of OWBs. Instead, the final-form regulation intends to regulate some aspects of the operation of OWBs to reduce health impacts, air emissions and nuisances.

The commentator opposed the proposed OWB regulation because it is a government intrusion that infringes on personal freedom. The intent of the proposed regulation is to find a balance between the rights of the OWB owner and the rights of the neighbors that are affected by smoke and odors from the OWB operation. The intent of the proposed OWB regulation is not to ban OWBs, but rather to set minimum standards for the operation of OWBs to reduce health impacts, air emissions and nuisances.

A few commentators opposed the proposed OWB regulation because there are already enough Department, Federal, or both, regulations that cover OWBs. The intent of the final-form regulation is to ensure that only the cleanest OWB units are sold in this Commonwealth.

A commentator opposed the proposed OWB regulation because the notification and paperwork requirements are burdensome for small business distributors. The written

notice and recordkeeping requirements in the proposed regulation have been eliminated in the final-form regulation.

Several commentators stated that over time OWB manufacturers will produce more efficient boilers, which will be phased in as old OWBs are replaced and the problem will take care of itself. As of August 30, 2010, there are 19 EPA-qualified Phase 2 OWB models. As more states adopt regulations and laws that establish emission requirements, more qualifying models will be developed and consumers will have more choices.

F. Summary of Final-form Regulation and Changes from Proposed to Final-Form Rulemaking

Summary of final-form regulation

The final-form amendments add definitions to § 121.1 (relating to definitions) for the following six new terms: "Btu—British thermal unit," "clean wood," "new Phase 2 outdoor wood-fired boiler," "non-Phase 2 outdoor wood-fired boiler," "outdoor wood-fired boiler" and "Phase 2 outdoor wood-fired boiler."

The final-form rulemaking adds § 123.14. In general, under final-form subsection (a), regarding applicability, beginning October 2, 2010, the requirements of the regulation apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an OWB for use in this Commonwealth; a person who installs an OWB in this Commonwealth; and a person who purchases, receives, leases, owns, uses or operates an OWB in this Commonwealth.

Final-form subsection (b)(1), regarding exemptions, provides that this section does not apply if the following is applicable: the OWB is intended for shipment and use outside of this Commonwealth.

Under final-form subsection (b)(2), subsections (c), (d) and (e) do not apply to a permanently installed OWB that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

Under final-form subsection (b)(3), a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB unless it was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption will remain in effect through May 31, 2011. A non-Phase 2 OWB installed during the sell-through period shall meet the following requirements: the non-Phase 2 OWB shall be installed a minimum of 150 feet from the nearest property line; and it shall have a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications.

Under final-form subsection (c), regarding Phase 2 outdoor wood-fired boilers, except as provided under subsection (b), a person may not sell, offer for sale, distribute or install an OWB unless it is a Phase 2 OWB.

Under final-form subsection (d), regarding setback requirements for new Phase 2 outdoor wood-fired boilers, a person may not install, use or operate a new Phase 2 OWB unless the boiler is installed a minimum of 50 feet from the nearest property line.

Under final-form subsection (e), regarding stack height requirements for new Phase 2 outdoor wood-fired boilers, a person may not install, use or operate a new Phase 2 OWB in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following requirements: extend a minimum of 10 feet above the ground; and be installed according to the manufacturer's specifications.

Under final-form subsection (f), regarding allowed fuels, a person that owns, leases, uses or operates an OWB in this Commonwealth shall use only one or more of the following fuels: clean wood; wood pellets made from clean wood; certain home heating oil, natural gas or propane fuels; or other fuel approved in writing by the Department.

Under final-form subsection (g), regarding prohibited fuels, a person who owns, leases, uses or operates an OWB in this Commonwealth may not burn a fuel or material in that OWB other than those fuels listed under subsection (f).

Under final-form subsection (h), regarding applicable laws and regulatory requirements, a person may not use or operate an OWB in this Commonwealth unless it complies with applicable Commonwealth, county and local laws.

Changes from proposed to final-form rulemaking

In addition to the revisions for definitions previously discussed in this section, changes from the proposed rulemaking to final-form rulemaking are summarized as follows:

Final-form § 123.14(b)(2) was added and states that subsections (c), (d) and (e) do not apply to a permanently installed OWB that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

Final-form subsection (b)(3) was added and provides that a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB unless it was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption will remain in effect through May 31, 2011. A non-Phase 2 OWB installed during the sell-through period shall meet the following requirements: the non-Phase 2 OWB shall be installed a minimum of 150 feet from the nearest property line; and it must have a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications.

Final-form § 123.14(c) (relating to Phase 2 outdoor wood-fired boilers) was modified for clarification.

Final-form § 123.14(d) reduces the minimum setback requirements from 150 feet to 50 feet for new Phase 2 OWBs installed in this Commonwealth. It was also revised to delete the requirement that a person may not use or operate a Phase 2 OWB unless the boiler has a stack that extends at least 2 feet above the highest peak of the highest residence located within 150 feet of the OWB.

Final-form § 123.14(e) was revised to state that a person may not install, use or operate a new Phase 2 OWB in this Commonwealth unless the boiler has a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications. This final-form subsection also deleted the 150 feet stack height requirement.

Proposed subsection (e) was deleted in its entirety.

Final-form subsection (f) clarifies that it relates to a person that owns, leases, uses or operates an OWB in this Commonwealth.

Final-form subsection (g) was not revised between the proposed and final-form rulemakings.

Final-form subsection (h) clarifies that a person may not use or operate an OWB in this Commonwealth unless

it complies with Commonwealth, county and local laws and regulations. In addition, specific references to Department regulations were deleted.

The final-form rulemaking deletes proposed subsection (i).

The final-form rulemaking deletes proposed subsection (j).

G. Benefits, Costs and Compliance

Benefits

The citizens of this Commonwealth will benefit from this final-form rulemaking because it will help to reduce emissions of PM_{2.5} from OWBs. Attaining and maintaining levels of PM_{2.5} below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM_{2.5} exposure. There are also many citizen complaints regarding the operation of OWBs. Reductions in ambient levels of PM_{2.5} would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

Compliance Costs

The cost of complying with the new requirements includes the cost of designing, manufacturing and distributing an OWB model that meets the EPA Phase 2 emission limit. Currently, there are 19 models available Nationally that meet the EPA Phase 2 emission limit. Nonqualifying OWB models cost between \$8,000 and \$18,000, depending on the size of the unit. It is estimated that the cleaner units may be approximately 15% more expensive because of the changes made to improve the efficiency of these units and reduce their emissions. However, most of these qualifying models are significantly more efficient which means they will burn less wood to produce the same amount of heat, reducing the cost of wood purchases.

The final-form rulemaking is not expected to impose additional direct regulatory costs or savings on local governments.

The final-form rulemaking is not expected to impose additional direct regulatory costs or savings on State government, except that nominal costs will be experienced by the Commonwealth to assist in providing training, outreach and assistance to the regulated community. New staff resources are not anticipated to be necessary.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly added requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

There are no additional paperwork requirements associated with this final-form rulemaking.

H. Advisory Committee Recommendation

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this final-form rulemaking. At its April 29, 2010, meeting, the AQTAC recommended adoption of the final-form rulemaking with the following concerns: all OWBs shall have a minimum 10 feet stack height requirement; all new Phase 2 OWBs shall have a 150 feet setback requirement from the nearest residence and not 50 feet from the nearest property line; all non-Phase 2 OWBs not used as the primary source of heat and hot water shall not be operated between May 15 and September 30; retailers of

OWBs shall report to the Department the model of boilers sold and the zip codes of the buyers.

The Department also consulted with the Citizens Advisory Council on March 16, 2010, and May 6, 2010, the Agricultural Advisory Board on April 21, 2010, and the Small Business Compliance Advisory Committee (SBCAC) on April 28, 2010. The SBCAC recommended adoption of the final-form rulemaking with the following concerns: the written notice and recordkeeping provisions should be reinstated in the final-form rulemaking; and supported providing grant moneys for the purchase and installation of Phase 2 units to replace old, conventional OWBs.

I. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The final-form rulemaking does not directly promote a multimedia approach. The reduced levels of PM_{2.5}, however, will benefit water quality through reduced soiling and quantities of sediment that may run off into waterways. Reduced levels of PM_{2.5} would therefore promote improved aquatic life and biodiversity, as well as improved human, animal and plant life on land.

J. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

K. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 6068 (October 17, 2009), to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 18, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 19, 2010, and approved the final-form rulemaking.

L. *Findings*

The Board finds that:

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

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 39 Pa.B. 6068.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

(5) This final-form rulemaking is reasonably necessary to achieve and maintain the PM_{2.5} NAAQS.

M. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 123, are amended by amending §§ 121.1 and 123.14 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania State Implementation Plan.

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

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5424 (September 18, 2010).)

Fiscal Note: Fiscal Note 7-444 remains valid for the final adoption of the subject regulations.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Btu—British thermal unit—The amount of thermal energy necessary to raise the temperature of 1 pound of

pure liquid water by 1° F at the temperature at which water has its greatest density (39° F).

* * * * *

Clean wood—The term includes the following:

- (i) Wood that contains no paint, stains or other types of coatings.
- (ii) Wood that has not been treated with preservatives or chemicals, including copper, chromium arsenate, creosote and pentachlorophenol.

* * * * *

New Phase 2 outdoor wood-fired boiler—A Phase 2 outdoor wood-fired boiler that is installed on or after October 2, 2010.

* * * * *

Non-Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

* * * * *

Outdoor wood-fired boiler—

- (i) A fuel-burning device that:
 - (A) Is designed to burn, or is capable of burning, clean wood or other fuels listed under § 123.14(f) (relating to outdoor wood-fired boilers).
 - (B) Has a rated thermal output of less than 350,000 Btu per hour.
 - (C) The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
 - (D) Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

- (ii) The fuel-burning device may also be known as an:
 - (A) Outdoor wood-fired furnace.
 - (B) Outdoor wood-burning appliance.
 - (C) Outdoor hydronic heater.

* * * * *

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

* * * * *

**CHAPTER 123. STANDARDS FOR CONTAMINANTS
PARTICULATE MATTER EMISSIONS**

§ 123.14. Outdoor wood-fired boilers.

(a) *Applicability.* Beginning on October 2, 2010, this section applies to the following:

- (1) A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth.
- (2) A person who installs an outdoor wood-fired boiler in this Commonwealth.

(3) A person who purchases, receives, leases, owns, uses or operates an outdoor wood-fired boiler in this Commonwealth.

(b) *Exemptions.*

(1) This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this Commonwealth a non-Phase 2 outdoor wood-fired boiler if the person, manufacturer, supplier or distributor demonstrates the non-Phase 2 outdoor wood-fired boiler is intended for shipment and use outside of this Commonwealth.

(2) Subsections (c), (d) and (e) do not apply to a permanently installed outdoor wood-fired boiler that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

(3) A person may not sell, offer for sale, distribute or lease a non-Phase 2 outdoor wood-fired boiler in this Commonwealth unless the outdoor wood-fired boiler was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011.

(i) This exemption shall remain in effect until May 31, 2011.

(ii) A non-Phase 2 outdoor wood-fired boiler purchased during the sell-through period must meet the following requirements:

- (A) Be installed a minimum of 150 feet from the nearest property line.
- (B) Have a permanently attached stack that meets the following requirements:
 - (I) Extends a minimum of 10 feet above the ground.
 - (II) Is installed according to the manufacturer's specifications.

(c) *Phase 2 outdoor wood-fired boiler.* Except as provided under subsection (b):

(1) A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(2) A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(d) *Setback requirements for new Phase 2 outdoor wood-fired boilers.* A person may not install a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a minimum of 50 feet from the nearest property line.

(e) *Stack height requirements for new Phase 2 outdoor wood-fired boilers.* A person may not install, use or operate a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following requirements:

- (1) Extend a minimum of 10 feet above the ground.
- (2) Be installed according to the manufacturer's specifications.

(f) *Allowed fuels.* A person that owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth shall use only one or more of the following fuels:

- (1) Clean wood.
- (2) Wood pellets made from clean wood.

- (3) Home heating oil, natural gas or propane that:
- (i) Complies with all applicable sulfur limits.
 - (ii) Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
- (4) Other types of fuel approved in writing by the Department upon receipt of a written request.
- (g) *Prohibited fuels.* A person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).
- (h) *Applicable laws and regulatory requirements.* A person may not use or operate an outdoor wood-fired boiler in this Commonwealth unless it complies with applicable Commonwealth, county and local laws and regulations adopted thereunder.

[Pa.B. Doc. No. 10-1876. Filed for public inspection October 1, 2010, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH [28 PA. CODE. CH. 211]

Program Standards for Long-Term Care Nursing Facilities

The Department of Health (Department), following consultation with the Health Policy Board, amends § 211.7 (relating to physician assistants and certified registered nurse practitioners) to read as set forth in Annex A.

A. *Purpose of the Final-Omitted Rulemaking*

This final-omitted rulemaking amends § 211.7 to address unnecessarily proscriptive procedures applicable to the provision of care by a certified registered nurse practitioner (CRNP) to a resident of a long-term care nursing facility (nursing home). Specifically, the final-omitted rulemaking amends § 211.7(c) as it applies to CRNPs because the subsection placed an unnecessary and broad restriction on how the CRNP, the collaborating physician and the nursing home determine the specifics of their relationship, and results in a barrier to a nursing home resident's access to qualified health care practitioners and increased health care costs. Although § 211.7(c) uses the term "supervising physician," the relationship between a CRNP and a physician is one of collaboration.

Section 211.7(a) and (b) set forth broad parameters for the use of CRNPs in nursing homes. Section 211.7(a) provides that CRNPs may be utilized in nursing homes in accordance with their training and experience and the requirements in statutes and regulations governing their practice. Section 211.7(b) requires, among other things, that the nursing home establish written policies indicating the manner in which the CRNPs shall be used and the responsibilities of the collaborating physicians. Section 211.7(c), however, further requires that the collaborating physician countersign a CRNP's documentation on a resident's record within 7 days. This includes progress notes, physical examination reports, treatments, medications and other notations made by the CRNP. Subsection (c) unnecessarily restricts the CRNP's and collaborating

physician's ability to specify how often and in what circumstances the physician's countersignature will be required on the CRNP's orders and other documentation.

Section 211.7(c) is amended by removing this unnecessary restriction on the CRNP/physician collaborative relationship. Given the CRNP's recently expanded scope of practice and the emphasis on the definition of a CRNP's practice through the collaborative agreement that now exists in The Professional Nursing Law (PNL) (63 P.S. §§ 211—225.5) and the regulations in 49 Pa. Code Chapter 21, Subchapter C (relating to certified registered nurse practitioners) promulgated under the PNL by the State Board of Nursing (Board) regarding CRNPs, it is unnecessary for the Department to define this particular element of the CRNP/physician relationship with so much specificity. Rather, as required under § 211.7(b) and recognized in section 8.2(c.2)(2) of the PNL (63 P.S. § 218.2(c.2)(2)), a nursing home should have the flexibility to determine the supervision or other oversight requirements for physicians and CRNPs practicing within its facility based on the needs of the nursing home's residents. Within these parameters, CRNPs and collaborating physicians should have the ability to establish their responsibilities to each other within the context of the collaborative agreement between them and without undue direction from the Department.

The PNL and the regulations promulgated by the Board provide that the collaboration process shall incorporate the availability of the physician for cosigning records, when appropriate. Placing specific restrictions on this aspect of the collaborative relationship inhibits the physician and the nursing home from fully recognizing the individual CRNP's training and experience, unnecessarily restricts the physician's and nursing home's utilization of CRNPs in providing medical care to nursing home residents and ultimately negatively interferes with a nursing home resident's medical care.

Section 211.7 was last revised in 1999, over a decade ago. Since that time, health care practice has evolved to refine and expand the scope of practice of nonphysician health care practitioners, in particular CRNPs, to increase health care access and quality and contain or reduce health care costs. CRNPs continue to receive advanced education and training to provide them the knowledge necessary to deliver this expanded care. The recent amendments to the Board's regulations regarding CRNPs, published at 39 Pa.B. 6994 (December 12, 2009), recognized the need to update requirements regarding the practice of CRNPs because "existing regulations prevented the effective use of CRNPs to the full extent of their education, skills and abilities, thereby depriving the citizens of this Commonwealth necessary, high quality care." It is for these same reasons that the Department amends § 211.7(c).

Amendments to the PNL and to the Board's regulations now provide the appropriate rules regarding the collaborative relationship between the CRNP and the physician and there is no reasonable basis for continuing the requirement applicable to CRNPs in § 211.7(c). Section 211.7(a) and (b) provide more than adequate requirements for nursing homes regarding the CRNP's practice and in addition allow for the appropriate flexibility in the relationship between the CRNP and the collaborating physician. Section 211.7(c) is a specific requirement that may or may not suit the circumstances in the individual CRNP/physician collaborative agreement or the nursing home resident's medical needs.

Section 8.2(b) of the PNL permits a CRNP to perform acts of medical diagnosis in collaboration with a physician and in accordance with regulations promulgated by the Board. Specifically, the PNL permits a CRNP to prescribe medical or therapeutic corrective measures, including pharmaceuticals, if the CRNP is acting in accordance with section 8.3(c) of the PNL (63 P. S. § 218.3(c)). In addition, the act of July 20, 2007 (P. L. 318, No. 48) (Act 48) amended the PNL to further express the General Assembly's intent to broaden the scope of the CRNP's practice and authority by specifically authorizing the CRNP to issue or conduct certain kinds of orders, referrals, assessments and certifications, traditionally reserved to physicians, if the CRNP is acting within the scope of the CRNP's specialty certification and the collaborative agreement with the physician. See section 8.2(c.1) of the PNL. By its passage of the amendments to the PNL, the General Assembly expressed its confidence in the ability of CRNPs to provide medical services without excessive restrictions.

Section 8.2(b) of the PNL specifies that a CRNP may prescribe medical therapeutic or corrective measures (including pharmaceuticals) if the nurse is acting in accordance with section 8.3 of the PNL, regarding prescriptive authority for CRNPs. Section 8.3 of the PNL details the conditions under which a CRNP may exercise prescriptive authority. This includes acting in collaboration with a physician as set forth in a written agreement. The agreement must identify the area of practice in which the CRNP is certified, the categories of drugs from which the CRNP may prescribe and the circumstances and how often the collaborating physician will personally see the patient. See section 8.3 of the PNL. Furthermore, under the PNL and the Board's new regulations applicable to CRNPs, the CRNP and the collaborating physician are to incorporate into the collaboration process the availability of the physician for cosigning records when necessary to document accountability by both parties. See 49 Pa. Code § 21.251 (relating to definitions).

Thus, § 211.7(c) unnecessarily dictates the terms of the CRNP/physician collaborative relationship for assuring physician involvement in the medical care of the resident by requiring a countersignature by the collaborating physician in all cases and within 7 days. This requirement may not best serve the needs of the individual resident and represents a direct barrier to the implementation of health care innovations that are intended to increase health care access and quality and contain or reduce costs. Section 211.7(c) rigidly applies in all circumstances and is contrary to the need to provide care to residents based on their individual needs and as governed by the protocols agreed to by the physician, CRNP and the nursing home.

Section 211.7(c) was originally intended to regulate how a nursing home would ensure that a nursing home resident's physician would remain primarily involved in the medical care planning and delivery for the resident. Currently, however, physician involvement is not only required by the PNL and the Board's regulations but also by Federal regulations applicable to nursing homes. For example, see 42 CFR 483.40 (relating to physician services). The unnecessary rigidity of the Department's regulation has the unfortunate effect of discouraging CRNP/physician collaborative practice in nursing homes, which has a deleterious effect on nursing home residents by limiting their access to qualified health care practitioners. This is compounded by the fact that the number of primary care physicians who are able to provide services to nursing home residents is becoming more limited.

Consequently, CRNPs, in collaboration with physicians, perform an invaluable service to these most vulnerable of citizens, which should not be impeded by an outdated, burdensome regulation.

With the enactment of Act 48 amending the PNL and with the promulgation of the Board's regulations in December 2009, the issue of the CRNP/physician relationship has been thoroughly reviewed, discussed and commented upon by the public, specifically including various associations and other groups that represent various entities affected by the regulation. Consistently, the conclusion has been that the collaborative agreement in conjunction with the health care facility's protocols for patient care should control the provision of medical services by CRNPs.

In particular, with respect to the Department's regulation, the three nursing home associations, Pennsylvania Health Care Association, Pennsylvania Association of Non-Profit Homes for the Aging and Pennsylvania Association of County Affiliated Homes, as well as the CRNP association, Pennsylvania Coalition of Nurse Practitioners, have argued that the regulation undermines the ability to best utilize the expanded scope of practice for CRNPs. These stakeholders, directly affected by § 211.7(c), believe that the collaborating physician needs to use his professional judgment regarding the level of oversight needed by the CRNP and that an inflexible oversight requirement creates additional paperwork with no commensurate benefit to the nursing home resident. In addition to the objections of the nursing homes and CRNPs, the Department has also been presented with comments from physicians who practice in nursing homes and that similarly object to the unnecessary requirement.

Since the promulgation of the Board's regulations, the Department has received over 70 exception requests from nursing homes seeking relief from the Department's regulation. Given the consensus by those who have considered the issue, including major stakeholders directly affected by the regulation, deferring to the scope of practice defined in the collaborative agreement in conjunction with a nursing home's protocols for provision of medical care to its residents is in the public interest. Delay in allowing CRNPs to practice as contemplated by the amendments to the PNL and the Board's regulations will result in the provision of less than adequate care to nursing home residents and increases in health care costs. Physicians have limited availability for nursing home practice and nursing homes are relying on CRNPs to provide needed care to residents, for which they are well qualified.

The collaborative agreement, existing law and the more recent developments in the CRNP's scope of practice more than sufficiently protect the needs of nursing home residents. Requiring countersignatures on orders and all within 7 days creates an unreasonable burden upon CRNPs and physicians practicing in nursing homes.

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), notice of proposed rulemaking may be omitted if the agency for good cause finds that the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are in the circumstances impracticable, unnecessary or contrary to the public interest. The Department finds justification for omitting notice of proposed rulemaking to amend § 211.7(c) as it relates to CRNPs, because in these circumstances it is unnecessary and contrary to the public interest. See section 204(3) of the CDL.

B. Requirements of the Regulation

The Department amends § 211.7(c) which required that a CRNP's documentation on the resident's record, including progress notes, physical examination reports, treatments, medications and other notations made by the CRNP be countersigned by the supervising physician within 7 days. The Department amends § 211.7(c) by removing references to CRNPs.

C. Affected Persons

The final-omitted rulemaking amends an existing regulation that governs the operation of nursing homes in this Commonwealth. However, as the final-omitted rulemaking does not impose new requirements on the nursing homes and instead removes an unnecessary requirement, nursing homes would not be negatively affected by the final-omitted rulemaking.

D. Cost and Paperwork Estimate

There are no additional costs or paperwork requirements for the Commonwealth, the regulated community, local governments or the general public associated with the final-omitted rulemaking. The Department expects a reduction in cost and paperwork to various stakeholders. The Department is not able to accurately quantify the expected reduction in cost and paperwork.

E. Statutory Authority

Sections 601 and 803(2) of the Health Care Facilities Act (HCFA) (35 P. S. §§ 448.601 and 448.803(2)) authorize the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the HCFA. Section 801.1 of the HCFA (35 P. S. § 448.801a) seeks to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities and that the minimum standards are to assure safe, adequate and efficient facilities and services, and promote the health, safety and adequate care of patients or residents of these facilities. Section 102 of the HCFA (35 P. S. § 448.102) states that the General Assembly finds that a purpose of the HCFA is, among other things, to assure that citizens receive humane, courteous and dignified treatment. Finally, section 201(12) of the HCFA (35 P. S. § 448.201(12)) provides the Department with explicit authority to enforce its rules and regulations promulgated under the HCFA.

The Department also has the duty to protect the health of the people of this Commonwealth under section 2102(a) of The Administrative Code of 1929 (71 P. S. § 532(a)). The Department has general authority to promulgate regulations under section 2102(g) of The Administrative Code of 1929 for this purpose.

Act 48 also directs the Department to make amendments to its regulations to implement the additions and amendments to the PNL by Act 48. See Act 98, Section 3.

F. Effectiveness/Sunset Dates

The final-omitted rulemaking will become effective upon its publication in the *Pennsylvania Bulletin*. A sunset date has not been established. The Department will continually review and monitor the effectiveness of this regulation.

G. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on July 27, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form in compliance with Executive Order 1996-1, "Regulatory Review and Promul-

gation" to the Independent Regulatory Review Commission (IRRC) and to the House Health and Human Services Committee and the Senate Public Health and Welfare Committee (Committees). On the same date, the regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on September 15, 2010, the final-omitted rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 16, 2010, and approved the final-omitted rulemaking.

H. Contact Person

Questions or comments regarding the final-omitted rulemaking may be submitted to Melanie Waters, Director, Bureau of Facility Licensure and Certification, Department of Health, Room 932, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8015. Comments submitted by facsimile or e-mail will not be accepted. Persons with a disability may submit questions in alternative formats such as audio tape or Braille or by using V/TT, (717) 783-6514 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service, (800) 654-5984 (TT). Persons who require an alternative format of this document (that is, large print, audio tape or Braille) should contact Melanie Waters at the previous address or telephone numbers to make necessary arrangements. The Department will accept comments in response to the amendment at any time following the effective date of the final-omitted rulemaking.

I. Findings

The Department finds that:

(1) This final-omitted rulemaking complies with section 204 of the CDL. Notice of proposed rulemaking is impractical, unnecessary or contrary to the public interest because the 7-day countersignature requirements for CRNP documentation in a resident's clinical record in § 211.7(c) inhibits access to qualified health care practitioners by nursing home residents and interferes with the physician/CRNP collaborative relationship established in the PNL and the Board's regulations.

(2) The adoption of the final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes and is in the public interest.

J. Order

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

(a) The regulations of the Department, 28 Pa. Code Chapter 211, are amended by amending § 211.7 to read as set forth in Annex A.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

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

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

EVERETTE JAMES,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5655 (October 2, 2010).)

Fiscal Note: 10-191. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IV. HEALTH FACILITIES

Subpart C. LONG-TERM CARE FACILITIES

CHAPTER 211. PROGRAM STANDARDS FOR LONG-TERM CARE NURSING FACILITIES

§ 211.7. Physician assistants and certified registered nurse practitioners.

(a) Physician assistants and certified registered nurse practitioners may be utilized in facilities, in accordance with their training and experience and the requirements in statutes and regulations governing their respective practice.

(b) If the facility utilizes the services of physician assistants or certified registered nurse practitioners, the following apply:

(1) There shall be written policies indicating the manner in which the physician assistants and certified registered nurse practitioners shall be used and the responsibilities of the supervising physician.

(2) There shall be a list posted at each nursing station of the names of the supervising physician and the persons, and titles, whom they supervise.

(3) A copy of the supervising physician's registration from the State Board of Medicine or State Board of Osteopathic Medicine and the physician assistant's or certified registered nurse practitioner's certificate shall be available in the facility.

(4) A notice plainly visible to residents shall be posted in prominent places in the institution explaining the meaning of the terms "physician assistant" and "certified registered nurse practitioner."

(c) Physician assistants' documentation on the resident's record shall be countersigned by the supervising physician within 7 days with an original signature and date by the licensed physician. This includes progress notes, physical examination reports, treatments, medications and any other notation made by the physician assistant.

(d) Physicians shall countersign and date their verbal orders to physician assistants or certified registered nurse practitioners within 7 days.

(e) This section may not be construed to relieve the individual physician, group of physicians, physician assistant or certified registered nurse practitioner of responsibility imposed by statute or regulation.

[Pa.B. Doc. No. 10-1877. Filed for public inspection October 1, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 549 and 561]

Table Game Rules Amendments; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 549 and 561 (relating to Blackjack; and Pai Gow Poker) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends the rules for table games in response to requests received from certificate holders and based on the Board's experience to date.

Explanation of Chapters 549 and 561

The Board has received numerous comments on the temporary regulations that it has promulgated so far. The Board found these comments useful and thanks the commentators for their input.

While the Board does not agree with all of the suggestions offered and is still reviewing a number of the comments that have been received, the Board does agree that improvements can be made in several areas now.

In Chapter 549, the Twenty Point Bonus Wager was recently added as an optional side wager. This side wager is also known as Lucky Ladies and is a proprietary game. For clarity, the term "Lucky Ladies" was added before the term "Twenty Point Bonus Wager" in § 549.2(c)(4) (relating to Blackjack table; card reader device; physical characteristics; inspections).

Additionally, the Match-the-Dealer Wager has been added as an optional side wager to the game of Blackjack. The requirements for table layouts were added in § 549.2(c). Section 549.18 (relating to Match-the-Dealer Wager) is added to provide the rules of the wager, the payout odds and the payout limitation on the Match-the-Dealer Wager.

In Chapter 561, the Fortune Bonus Wager has been added as an optional side wager to the game. Additional definitions were added in § 561.1 (relating to definitions); requirements for table layouts were added in § 561.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics); additional card rankings were added in § 561.6 (relating to Pai Gow Poker rankings; cards; poker hands); and § 561.13a (relating to Fortune Bonus Wager; Envy Bonus; payout odds; payout limitation) is added to provide the rules of the wager, the payout odds and the payout limitation on the Fortune Bonus Wager.

Affected Parties

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

*Fiscal Impact**Commonwealth*

The Board does not expect that the amendments in this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies.

Political subdivisions

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

Private sector

The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games and allows for the offering of additional side wagers to patrons. These changes may increase wagers in Blackjack and Pai Gow Poker.

General public

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

Paperwork Requirements

This temporary rulemaking will not impose new paperwork requirements on certificate holders.

Effective Date

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

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how the temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-132.

Contact Person

The contact person for questions about this rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

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

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 549 and 561, are amended by amending §§ 549.2, 561.1, 561.2 and 561.6; and by adding §§ 549.18 and 561.13a to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective October 2, 2010.

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

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

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-132. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 549. BLACKJACK****§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.**

* * * * *

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

* * * * *

(4) If a certificate holder offers the Lucky Ladies Twenty Point Bonus Wager:

(i) A separate area designated for the placement of the Twenty Point Bonus Wager for each player.

(ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum permitted wagers shall be posted at each Blackjack table.

(iii) Inscriptions that advise patrons of the payout odds for the Twenty Point Bonus Wager. If payout odds are not inscribed on the layout, a sign identifying the payout odds for the Twenty Point Bonus Wager shall be posted at each Blackjack table.

(iv) Inscriptions that advise patrons of any payout limits and proportionate allocations as described in § 549.17(g) (relating to Twenty Point Bonus Wager; payout odds; payout limitation). If payout limits and proportionate allocations are not inscribed on the layout, a sign identifying the payout limits and proportionate allocation shall be posted at each Blackjack table.

(5) If a certificate holder offers the Match-the-Dealer Wager:

(i) A separate area designated for the placement of the Match-the-Dealer Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Match-the-Dealer Wager. If the payout odds are

not inscribed on the layout, a sign identifying the payout odds for the Match-the-Dealer Wager shall be posted at each Blackjack table.

(d) Each Blackjack table must have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations. The Bureau of Gaming Operations may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

* * * * *

§ 549.18. Match-the-Dealer Wager.

(a) A player may make an additional Match-the-Dealer Wager which shall have no bearing on any other wagers made by the player. The Match-the-Dealer Wager of a player shall win if either of the player's initial two cards matches the dealer's up card in the manner required under subsection (e). If both of the player's initial two cards match the dealer's up card, the player shall be paid in accordance with subsection (e) for each matching card. For purposes of the Match-the-Dealer wager, any card with a face value of 10 or a point value of 10 (jack, queen, king) shall only match an identical card without regard to value.

(b) Prior to the first card being dealt for each round of play, a player who has placed the basic wager required under § 549.4 (relating to wagers) may make an additional Match-the-Dealer Wager, which shall be in an amount not less than \$1 and may not exceed the lesser of:

(1) The amount of the wager made by the player under § 549.4(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions).

(c) A Match-the-Dealer Wager shall be made by placing gaming chips on the appropriate area of the Blackjack layout.

(d) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt to any player or the dealer or before any card reader device is utilized, losing Match-the-Dealer Wagers shall be collected and winning Match-the-Dealer Wagers shall be paid in accordance with subsection (e).

(e) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds contained in the following payout table:

(1) If six decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	4 to 1
Each matching card of the same suit	11 to 1

(2) If eight decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	3 to 1
Each matching card of the same suit	14 to 1

CHAPTER 561. PAI GOW POKER

§ 561.1. Definitions.

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

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

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

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

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

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

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

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

§ 561.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

* * * * *

(b) The layout for a Pai Gow Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum, the following:

(1) Six separate numbered betting areas for the players at the table.

(2) Two separate areas located below each betting area which shall be designated for the placement of the High and Low hands of that player.

(3) Two separate areas designated for the placement of the High and Low hands of the dealer.

(4) The name or logo of the certificate holder offering the game.

(5) If the certificate holder offers a Fortune Bonus Wager:

(i) A separate designated area for each player, located to the right of the player's betting area, designated for the placement of the Fortune Bonus Wager.

(ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum wagers permitted shall be posted at each Pai Gow Poker table.

(iii) Inscriptions that advise patrons of the payout odds and amounts for the Fortune Bonus Wager and Envy Bonus. If payout odds and amounts are not inscribed on the layout, a sign identifying the payout odds and amounts shall be posted at each Pai Gow Poker table.

(iv) Inscriptions that advise patrons of any payout limits as described in § 561.13a(f) (relating to Fortune Bonus Wager; Envy Bonus; payout odds; payout limitation). If payout limits are not inscribed on the layout, a sign identifying the payout limits shall be posted at each Pai Gow Poker table.

(c) Each Pai Gow Poker table must have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, and in locations approved by the Bureau of Gaming Operations. The Bureau of Gaming Operations may approve an

alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

* * * * *

§ 561.6. Pai Gow Poker rankings; cards; poker hands.

* * * * *

(e) If a certificate holder offers the optional Fortune Bonus Wager under § 561.13a (relating to Fortune Bonus Wager; Envy Bonus; payout odds; payout limitation), the following seven card hands, which shall have a rank higher than a five-card poker hand of five aces, shall be used to determine the amount of the Fortune Bonus Wager payout or Envy Bonus payment to a winning player:

(1) Seven-card straight flush with no joker is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) Royal flush plus royal match is a seven card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with one of the following:

- (i) An additional ace and king of a same suit.
- (ii) An additional king and queen of a same suit.

(3) Seven-card straight flush with joker is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

§ 561.13a. Fortune Bonus Wager; Envy Bonus; payout odds; payout limitation.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Fortune Bonus Wager on whether the player will be dealt a hand type as set forth in subsection (e). A player who makes a Qualifying Fortune Bonus Wager shall also qualify to receive an Envy Bonus payout.

(b) Prior to the first card being dealt for each round of play, each player who has placed a wager in accordance with § 561.7 (relating to wagers), may make a Fortune Bonus Wager by placing a value chip of at least \$1 into the separate area designated for that player. If a player makes a Qualifying Fortune Bonus Wager, the dealer shall place an Envy lammer next to that player's wager.

(c) The dealer shall then announce "no more bets" and deal the cards in accordance with the dealing procedures in § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(d) If a Fortune Bonus Wager has been made by one or more players, the dealer shall observe the procedures in § 561.13 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish) with the following modifications:

(1) The dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle the Pai Gow Poker wager of each player and collect any vigorish that is due, provided that:

(i) The cards of a player who has placed a Fortune Bonus Wager shall remain on the layout regardless of the outcome of the player's Pai Gow Poker wager.

(ii) If any player has placed a Qualifying Fortune Bonus Wager, the cards of all players shall remain on the table regardless of the outcome of any player's Pai Gow Poker wager.

(2) After settling the Pai Gow Poker wager of a player who has placed a Fortune Bonus Wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and shall be responsible for creating the hand for purposes of the Fortune Bonus Wager. A joker may be used as any card to complete a straight, flush, straight flush or royal flush other than a seven-card straight flush with no joker. If any player at the table has placed a Qualifying Fortune Bonus Wager, the dealer shall rearrange the cards of each player regardless of whether that player placed a Fortune Bonus Wager. If a player:

(i) Does not have a straight or higher from the seven cards dealt to the player, the dealer shall collect the Fortune Bonus Wager and place the cards of the player in the discard rack.

(ii) Has a straight or higher formed from the seven cards dealt to the player, the dealer shall pay the winning Fortune Bonus Wager in accordance with subsection (e).

(iii) Has a Qualifying Hand, the dealer shall verbally acknowledge the Qualifying Hand and leave the Fortune Bonus Wager, if applicable, and the cards of the player face up on the table.

(3) After all other Fortune Bonus Wagers have been settled, the dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle with each player who has an Envy Bonus lammer at the player's betting position or who has a Fortune Bonus Wager and a Qualifying Hand. If a player:

(i) Has an Envy Bonus lammer, the dealer shall pay the player in accordance with subsection (e) and collect the Envy Bonus lammer.

(ii) Has a Fortune Bonus Wager and a Qualifying Hand, the dealer shall pay the winning Fortune Bonus Wager in accordance with subsection (e) and place the cards of the player in the discard rack. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus; provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses and Qualifying Hands have been paid, the dealer shall collect the cards of any player who had a Qualifying Hand but did not place a Fortune Bonus Wager and shall place the cards of the player in the discard rack.

(e) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the amounts contained in one of the following payout tables selected by the certificate holder in the certificate holder's Rules Submission filed in accordance with § 521.2:

Table A

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
7 card Straight Flush	8,000 to 1	\$5,000
Royal Flush and Royal match	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-Kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

Table B

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$3,000
Royal Flush and Royal match	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-Kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

Table C

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$2,500
Royal Flush and Royal match	2,000 to 1	\$500
7 card Straight Flush with Joker	1,000 to 1	\$250
5 Aces	400 to 1	\$150
Royal Flush	150 to 1	\$55
Straight Flush	50 to 1	\$25
Four-of-a-Kind	25 to 1	\$6
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

(f) Notwithstanding the payout odds in subsection (e), a certificate holder may establish a maximum payout for a winning Fortune Bonus Wager that is payable for one round of play. The maximum payout amount shall be at least \$40,000 or the maximum amount that one player could win per round when betting the minimum possible wager, whichever is greater. Maximum payouts established by a certificate holder require the approval of the Board's Executive Director and shall be included in the certificate holder's Rules Submission filed in accordance with § 521.2. Any maximum payout limit established by a certificate holder applies only to Fortune Bonus Wagers and does not apply to Envy Bonus payouts.

[Pa.B. Doc. No. 10-1878. Filed for public inspection October 1, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2010-2164741/57-280]

Designation and Annual Recertification of Eligible Telecommunications Carriers

The Pennsylvania Public Utility Commission (Commission), on July 15, 2010, adopted a final policy statement which sets forth applicable standards for eligible telecommunications carrier designation.

Public Meeting held
July 29, 2010

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson Wayne E. Gardner

Final Policy Statement on Commonwealth of Pennsylvania's Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support; Doc. No. M-2010-2164741

Final Policy Statement Order

This Commission has not, to date, formally considered the recommendations of the Federal Communications Commission (FCC) on the new standards applicable for petitions for designation as an ETC to receive Federal universal service support and annual ETC recertification announced in the FCC's ETC Order. CC Docket 96-45 (Order entered March 17, 2005).¹ By our Order today, we do so to provide consistent standards upon which to review all future petitions for ETC designation and annual ETC recertification before this Commission.

So that future petitions and all annual recertification of ETCs provide the complete and necessary information for meaningful review, we adopt the Federal and State minimum standards discussed in this order. We adopt these standards in order that petitioners will have a clear understanding of the Commission's expectations and to meet the expressed goal of the FCC, that a "more rigorous ETC designation process . . . will improve the long-term sustainability of the universal service fund."² To establish uniform administrative practices, and to adequately inform the regulated community of the newly adopted applicable standards, the Commission issues this Statement of Policy setting forth these newly adopted standards.

All future petitions for ETC designation should specifically address each provision of 47 CFR 54.201—54.209, any other applicable Federal standards and all Pennsylvania-specific standards. Petitioners should explain how each Federal and Pennsylvania provision is satisfied including why a particular provision is inapplicable under the circumstances.

¹ On a case by case basis, this Commission has required parties seeking designation as ETCs to satisfy the FCC's standards for designation and has informally applied the FCC's annual recertification and reporting requirements for ETCs. By this order, we formally adopt the FCC's designation and annual certification and reporting requirements for any ETC that receives state or federal support for designated services in the Commonwealth.

² In *RE: Federal-State Joint Board on Universal Service*, Report and Order at CC Docket No. 96-45 (Entered March 17, 2005) (ETC Order) at para. 2.

I. Background

The current standards established by the FCC for ETC designation evolved over the course of years based upon a series of decisions and consideration of the designation's practical impact upon the USF Fund. On May 8, 1997, the FCC issued a Report and Order (Universal Service Order) governing implementation of the universal service provisions of the Telecommunications Act of 1996 (TA-96). Section VI of the Universal Service Order discussed the requirements for a carrier seeking designation as an ETC under TA-96. Those requirements are codified at 47 CFR 54.101, 54.201—54.203 and 54.205—54.209. The FCC requires the state commissions to designate eligible carriers under 47 CFR 54.201—54.203 and designate service areas consistent with 47 CFR 54.207.

On March 17, 2005, the FCC issued its Report and Order at CC Docket No. 96-45 (ETC Order) adopting the recommendation of the Federal-State Joint Board on Universal Service issued February 27, 2004. That order advised setting minimum requirements for the designation of an ETC for the long range success and continued viability of the Universal Service Fund. The more rigorous ETC designation requirements were designed to "ensure that only ETCs that can adequately provide universal service will receive ETC designation, thereby lessening fund growth attributable to the designation." *Id.* at para. 5.

In particular, the Joint Board recommended more stringent factual reviews of ETC applications, including a case-by-case determination that the applications are in the public interest and increasing annual certification and reporting requirements for all existing ETCs.³ The FCC has adopted additional eligibility and reporting requirements for carriers seeking ETC designation and carriers already designated as ETCs in Federal Report and Order FCC 05-46 adopted on February 25, 2006.

Although the FCC's standards on ETC designation are not binding upon state commissions considering a petition for ETC designation, the FCC strongly urged state commissions to adopt the Federal standards set forth in its ETC orders on all future ETC applications. We conclude that applying those in this Commonwealth will further the FCC's goal as well as our goal of ensuring an effective ETC process in this Commonwealth.

Consequently, all future Commission review of petitions for ETC designation will be governed by 47 U.S.C.A. § 214(e),⁴ the FCC's discussion of ETC designations in the Universal Service Order,⁵ the additional standards for ETC designation set forth in the FCC's ETC Order of May 17, 2005, subsequent order on certification and reporting of February 2006, and the FCC's rules governing ETC designation and annual certification set forth in

³ ETC Order, CC Docket 96-45 (Order entered March 17, 2005) para. 21-68.

⁴ Section 214(e)(1) requires an ETC to offer the services supported by federal universal service mechanisms and advertise the availability of those services and the charges for them in media of general distribution. Section 214(e)(2) permits a state commission to designate a common carrier, either upon the state commission's motion or upon request, for rural areas and requires each designation for other areas so long as the carrier meets the criteria of Section 214(e)(1). Section 214(e)(3) authorizes the FCC to require a carrier to service underserved areas for interstate purposes and authorizes state commissions to designate a carrier for intrastate purposes for similar underserved areas. Section 214(e)(4) authorizes a carrier to relinquish its designation as a carrier in any area served by more than one eligible carrier. Section 214(e)(5) defines a service area as the geographic area established by the state commission for universal service purposes which, for rural areas, is coterminous with the study area unless determined otherwise by states and the FCC after consultation with the Federal-State Joint Board. Section 214(e)(6) directs the FCC to designate where carriers are not subject to the state's jurisdiction. See, 47 U.S.C.A. 214(e).

⁵ Universal Service Order, para. 127—199 in Section VI.

47 CFR 54.101,⁶ 54.201—54.203⁷ and 54.205—54.209,⁸ as well as any further amendment or criteria established by the FCC. The standards that will be applied to future petitions are outlined below.

A. FCC Requirements For Eligible Telecommunications Service Designation

Under section 214(e)(2) of the Act, the state commission “shall upon its own motion or upon request designate a common carrier that meets the requirements of [§ 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State Commission.” Section 214(e)(2) of the Act further provides, in the case of areas not served by a rural telephone company, that the state commission shall designate more than one common carrier as an ETC, consistent with the public interest, convenience, and necessity. Upon designation as an ETC, the carrier shall be able to receive universal support in accordance with section 254 of the Act.

1) The requirements for designation as an ETC in section of 214(e)(1) of the act and 47 CFR 54.201(d)(1) and (2) are that the carrier must be a “common carrier” and:

a. Offer the services that are supported by Federal universal support mechanisms under section 254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another ETC).

b. Advertise the availability of these services and the charges therefore using the media of general distribution.

2) Additional requirements for ETC designation were adopted by the FCC in its March 17, 2005 Order, which are codified in 47 CFR 54.202(a)(1)—(5).⁹ The additional requirements provide that a carrier requesting designation as an ETC must:

⁶ 47 CFR 54.101 confines federal universal service support to (1) voice grade access to the public switched network; (2) local usage consisting of an amount of use of exchange service prescribed by the Commission provided free of charge to end users; (3) dual tone multi-frequency Signaling or its equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. However, Section 101(c) allows a state commission to grant ETC designation even though access to 911 or Enhanced-911 (E-911) services, toll limitation, or single-party service is not provided so long as “exceptional circumstances” are shown and the exception does not extend beyond the time needed to complete the necessary network upgrades.

⁷ A carrier is eligible under Section 201 so long as they offer the services set forth in Section 101, either through their own facilities or a combination of facilities, and advertise the availability of the federal universal support services using media of general distribution. States cannot require the use of facilities within the designated service area nor can states designate a carrier that provides services “purely” through resale. Since then, the FCC granted a limited number of wireless providers forbearance from the statutory obligation to own facilities as a precondition to receiving ETC designation. In addition the PaPUC has decided to make wireless ETC designations in Pennsylvania under federal law as well. *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.C.S. § 214(e)(1)(A) and 47 CFR § 54.201(i)*, Docket No. 96-45, 20 FCC Rcd 15095, 15098-9, para. 5 (2005) (TracFone Forbearance Order); *In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, FCC Docket No. 96-45 (March 5, 2009), para. 1 (Virgin Mobile Forbearance Order). This Policy Statement provides guidance in light of those developments, in a regulatory neutral manner, as required by 47 U.S.C.A. § 253.

The additional requirements for ETC designation were adopted by the FCC in its March 17, 2005 Order are codified at Section 202(a)(1)—(5). Section 203 authorizes the FCC or the Commission to designate carriers in unserved areas for interstate or intrastate purposes, respectively.

⁸ Section 207 defines a service area to be a geographic area established by a state commission for the purpose of determining universal service. For a rural carrier, the service area is coterminous with such a carrier’s study area. However, the FCC or the Commission can propose alternative service areas. Section 207(c) established the process and requirements that govern a state’s proposed alternative service area while Section 207(d) governs an equivalent FCC process.

⁹ We note that the new standards adopted by the FCC originated from the wireless-specific orders issued by the FCC on ETC designation of wireless carriers. However, as noted by the FCC in its March 17, 2005 Order, setting forth the ETC designation process, “although specific requirements set forth in this Report and order may be relevant only for wireless ETC applicants and some may be relevant for wireline ETC applicants, this ETC designation framework generally applies to any type of common carrier that seeks ETC designation before the [FCC] under 214(e)(6) of the Act.” March 17, 2005 Order at para. 17.

Under Secretarial Letter at Docket M-00960799, dated February 26, 2009 the Commission accepts jurisdiction of applications for ETC designation from wireless carriers.

a. Commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service (47 CFR 54.202(a)(1)(i)).

b. Provide service on a timely basis to requesting customers within the applicants’ service area where the applicants’ network already passes with the potential customers premises (47 CFR 54.202(a)(1)(i)(A)).

c. Provide service within a reasonable period of time, if the potential customer is within the applicant’s licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:

i. Modifying or replacing the existing customer’s equipment.

ii. Deploying a roof mounted antenna or other equipment.

iii. Adjusting the nearest cell tower.

iv. Adjusting network or customer facilities.

v. Reselling services from another carrier’s facilities to provide service.

vi. Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment (47 CFR 54.202(a)(1)(i)(B)).

d. Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of backup power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations (47 CFR 54.202(a)(2)).

e. Demonstrate that it will satisfy applicable consumer protection and service quality standards (47 CFR 54.202(a)(3)).

f. Demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation (47 CFR 54.202(a)(4)).

g. Certify that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area (47 CFR 54.202(a)(5)).

3) The FCC’s Order released August 10, 2000, provides that section 214(e)(1) of the Act does not require a carrier to provide the supported services throughout a service area prior to being designated an ETC.

B. Pennsylvania-Specific Minimum Requirements For ETC Designation

In addition to the previously-stated additional FCC requirements, which we today formally adopt, the Public Utility Code sets forth certain minimum requirements for ETCs which seek low income support from Lifeline and Link-up America programs.

See, 66 Pa.C.S. § 3019(f) which provides:

Lifeline service.

(1) All eligible telecommunications carriers certified to provide local exchange telecommunications service shall provide Lifeline service to all eligible telecommunications customers who subscribe to such service.

(2) All eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other eligible telecommu-

nications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of Lifeline service twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements.

(5) When a person enrolls in a low-income program administered by the Department of Public Welfare that qualifies the person for Lifeline service, the Department of Public Welfare shall automatically notify that person at the time of enrollment of his or her eligibility for Lifeline service. This notification also shall provide information about Lifeline service including a telephone number of and Lifeline subscription form for the person's current eligible telecommunications carrier or, if the person does not have telephone service, telephone numbers of eligible telecommunications carriers serving the person's area that the person can call to obtain Lifeline service. Eligible telecommunications carriers shall provide the Department of Public Welfare with Lifeline service descriptions and subscription forms, contact telephone numbers and a listing of the geographic area or areas they service, for use by the Department of Public Welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new Lifeline service discount that is not fully subsidized by the Federal Universal Service Fund.

Additionally, this Commission set forth procedures and guidelines in its Lifeline Order of May 23, 2005, *In Re: Lifeline and Link-Up Programs*, Docket No. M-00051871.¹⁰

For consistency, and in consideration of competitive neutrality, we expect all ETC carriers to follow the same rules and guidelines regarding the offerings of Lifeline and Link-Up programs in this Commonwealth.

Under 47 CFR 54.409 of the FCC's regulations, this Commonwealth is a nondefault state¹¹ which mandates its own rules and guidelines separate though similar to the FCC's rules regarding the Lifeline programs and there are contributions other than Federal universal service fund contributions being made toward the Lifeline/Link-Up credit. The significance of being a nondefault state is that the Commission or the State legislature can establish rules specific to this Commonwealth to address any issues that may be unique to this Commonwealth. Whereas, a default state does not man-

date Lifeline/Link-Up programs; thus, carriers operating in default states are required to follow the FCC's regulations and the Lifeline/Link-Up eligibility requirements are directed by the FCC. See 47 CFR 54.409(b).

In this Commonwealth, only Verizon North and Verizon PA are required to provide support to the Lifeline program (Lifeline 100 only). Because Verizon is mandated to contribute to its Lifeline programs, the Commonwealth qualifies as a nondefault state according to the FCC rules. None of the other ETCs who offer Lifeline are required to provide support for this program.

Further, all non-Verizon ETC carriers receiving Lifeline/Link-Up support are required to submit annually a Lifeline Tracking Report to our Bureau of Consumer Services. Our interest is in maintaining a competitively neutral playing field among telecommunications carriers, as well as simplicity in enforcement of Lifeline rules and regulations.

Finally, to establish uniform petitions for administrative purposes, and to adequately inform the regulated community of the applicable standards for ETC designation and annual recertification for purposes of Federal universal service support, we shall issue this Final Statement of Policy setting forth the applicable standards for ETC designation, and annual recertification and reporting as outlined herein, and follows as Annex A. In addition, supplemental information on ETC designation and annual certification will be provided on our web page for the general public and carriers interested in seeking ETC designation and annual certification from this Commission.

The Final Statement of Policy on guidelines for ETC Designation, annual recertification and reporting requirements for ETCs, follows as Annex A, shall be published in the *Pennsylvania Bulletin*; Therefore,

It Is Ordered That:

1. Future petitions seeking designation as an ETC for purposes of Federal universal service support in this Commonwealth must, at a minimum, address the Federal and Pennsylvania requirements for designation set forth in this order.

2. Annual recertification for ETC designation must satisfy the applicable Federal regulations governing the annual reporting recertification requirements for designation as an ETC.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. This final statement of policy shall become effective upon publication in the *Pennsylvania Bulletin*.

6. The contact person for this matter is Elizabeth Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: Title 52 of the Pa. Code is amended by adding a statement of policy in § 69.2501 to read as set forth in Annex A.)

Fiscal Note: 57-280. No fiscal impact; (8) recommends adoption.

¹⁰ Except that paragraphs 9 and 10 of the Order were subsequently modified to change the date verifications are due the Universal Service Administration Company (USAC) from December to August 31 of each year. *In Re: Lifeline and Link-Up Programs*, Order, M-00051871, January 24, 2008.

¹¹ *Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, CC Docket No. 04-87, WC Docket No. 03-109, Appendix G lists 16 default states and the Commonwealth is not listed.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY
STATEMENTS AND GUIDELINES ON FIXED
UTILITIES COMMONWEALTH REQUIREMENTS
FOR DESIGNATION AND ANNUAL
RECERTIFICATION AND REPORTING
REQUIREMENTS OF ELIGIBLE
TELECOMMUNICATION CARRIERS FOR
PURPOSES OF FEDERAL UNIVERSAL SERVICE
SUPPORT—STATEMENT OF POLICY

§ 69.2501. Standards applicable for designation and
annual certification as an eligible telecommunica-
tions carrier, for purposes of obtaining Federal
universal service support.

(a) Petitions for designation in this Commonwealth as an eligible telecommunications carrier (ETC), for purposes of obtaining Federal universal service support, should be evaluated under:

(1) Section 214(e) of the Telecommunications Act of 1934 (47 U.S.C. § 214(e)), regarding extension of lines or discontinuance of service; certificate of public convenience and necessity.

(2) The Federal Communications Commission's (FCC's) discussion of ETC designations in the Universal Service Order, Report and Order at CC Docket No. 96-45 (May 8, 1997).

(3) The standards in the FCC's Report and Order at CC Docket No. 96-45 (March 17, 2005).

(4) The FCC's rules governing ETC designations in 47 CFR 54.101, 54.201—54.203 and 54.205—54.209.

(b) Petitions for designation as an ETC seeking low income support from Lifeline and Link-up America programs should satisfy the minimum standards established in 66 Pa.C.S. § 3019(f) (relating to lifeline service) and comply with the Commission's Lifeline and Link-Up Order, *In Re: Lifeline and Link-Up Programs*, Docket No. M-00051871, Final Order May 23, 2005, except that verifications should be submitted annually to Universal Service Administrative Company (USAC) on or before August 31 of each year. Petitions should affirm that the applying carrier will submit annual Lifeline Tracking Reports by June 30 of each year. The form is available on the Commission's web site at www.puc.state.pa.us, Online Forms, Telecommunications.

(c) Petitions for ETC designation should specifically address the enumerated criteria in subsections (a) and (b), set forth specific statements regarding which criteria are applicable and inapplicable, and explain why all applicable criteria are satisfied.

[Pa.B. Doc. No. 10-1879. Filed for public inspection October 1, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 14, 2010.

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

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-13-2010	<i>From:</i> Peoples National Bank Hallstead Susquehanna County <i>To:</i> Peoples Neighborhood Bank Hallstead Susquehanna County Application for approval to convert from a national banking association to a Pennsylvania state-chartered bank.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-30-2010	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	7703 McKnight Road Pittsburgh Allegheny	Opened
9-7-2010	Northwest Savings Bank Warren Warren County	275 Meadow Drive North Tonawanda Niagara County, NY	Opened
9-8-2010	Graystone Tower Bank Lancaster Lancaster County	212 West Lincoln Avenue Myerstown Lebanon County	Filed
9-8-2010	Graystone Tower Bank Lancaster Lancaster County	330 York Road Carlisle Cumberland County	Filed
9-9-2010	First Priority Bank Malvern Chester County	Towamencin Shopping Village 1758 Allentown Road Lansdale Montgomery County	Approved
9-9-2010	First Savings Bank of Perkasie Perkasie Bucks County	3617 Route 202 Doylestown Bucks County	Approved
9-9-2010	Northwest Savings Bank Warren Warren County	115 East 3rd Street Waterford Erie County	Approved
9-13-2010	York Traditions Bank York York County	2170 White Street York York County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-8-2010	S & T Bank Indiana Indiana County	20 North Pennsylvania Avenue Greensburg Westmoreland County	Filed
9-9-2010	Northwest Savings Bank Warren Warren County	51 West Market Street Lewistown Mifflin County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
8-17-2010	Allegiance Bank of North America Amendment to Article V of the institution's Articles of Incorporation will effectuate a one-for-thirty-nine reverse stock split.	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-1880. Filed for public inspection October 1, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This Notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges, or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges related to 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 (CAFOs) (hereinafter referred to as "applications"). This Notice is provided in accordance with regulations at 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of the Pennsylvania Clean Streams Law, 35 P.S. §§ 691.1 *et seq.*, and the federal Clean Water Act, 33 USCA §§ 1251 *et seq.*

<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 listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to re-issue 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 listed in Section II, as well as applications for MS4 Individual Permits, and Individual Stormwater Construction Permits listed in Sections IV and VI,

the Department, based upon preliminary reviews, has made a tentative determination 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 EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on any of these NPDES applications are invited to submit a statement to the contact office noted above the application, within 30 days from the date of this public notice. Persons wishing to comment on any WQM permit application are invited to submit a statement, to the office noted above 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. All comment submittals 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 a public hearing on applications, and 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 any public hearings are 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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0025399 (Sew)	Christiana Borough 10 West Slokum Avenue Christiana, PA 17509	Lancaster County Christiana Borough	Buck Run/ 7-K	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0100536 (Industrial Waste)	Chapman State Park 4790 Chapman Dam Road Clarendon, PA 16313	Warren County Pleasant Township	Unnamed tributary of the West Branch Tionesta Creek (16-F)	Y
PA0004995 (Industrial Waste & Sewage)	Armstrong Cement & Supply 100 Clearfield Road Cabot, PA 16023	Butler County Winfield Township	Rough Run (17-F)	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.

PA0057657, Sewage, **Kendal-Crosslands Communities**, P. O. Box 100, Kennett Square, PA 19348.

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

Description of Proposed Activity: This application is for renewal of a NPDES permit for an existing discharge of treated sewage from Kendal-Crosslands sewage treatment plant. The discharge is authorized as an emergency stream discharge only, and the permittee is expected to maximize the use of spray irrigation for disposal of the treated wastewater in accordance with existing Water Quality Management permits.

The receiving stream, an unnamed tributary to Bennetts Run, is in the State Water Plan watershed 3H and is classified for: WWF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.125 mgd:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
CBOD ₅	21		20		40
Total Suspended Solids	21		20		40
Ammonia-Nitrogen (05/01 to 10/31)	2.1		2.0		4.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
(11/01 to 04/30)	6.3		6.0		12.0
Total Phosphorus	2.1		2.0		4.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (min.)		
pH (Std. Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.1		0.2
Copper, Total	0.013	0.025	0.012	0.024	0.03
Zinc, Total	0.08	0.17	0.08	0.16	0.2

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

1. Notification of Designation of Operator
2. Abandon STP when Municipal Sewers Available
3. Remedial Measures if Unsatisfactory Effluent
4. No Stormwater
5. Acquire Necessary Property Rights
6. Change in Ownership
7. Total Residual Chlorine Requirement
8. Proper Sludge Disposal
9. I-Max
10. Laboratory Certification
11. Fecal Coliform I-Max Reporting
12. Emergency Stream Discharge Only

PA0244538, Industrial Waste, SIC Code 2819, **Buckman's Inc.**, 105 Airport Road, Pottstown, PA 19464-3438. Facility Name: Buckman's Inc. This proposed facility is located in Limerick Township, **Montgomery County**.

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

The receiving stream(s), Possum Hollow Run, is located in State Water Plan watershed 3-D 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 0.012 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	2000	4000	5000

The proposed effluent limits for Outfalls 002 and 003 are based on average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The flow from Outfall 004 is uncontaminated groundwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2

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

1. Storm water Management
2. PPC Plan

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

The EPA Waiver is in effect.

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

PA0084450, Industrial Waste, SIC Code 4952, 9711, **Military District of Washington**, 201 Beasley Drive, Fort Detrick, MD 21702. Facility Name: Raven Rock Mountain Complex Site R. This existing facility is located in Liberty Township, **Adams County**.

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

The receiving stream(s), Miney Branch and Unnamed Tributary to Miney Branch, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 005 are based on a design flow of 0.000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
TRPH	XXX	XXX	XXX	XXX	Report	XXX

Discharge limits for the Outfalls 001, 002, 003 and 004 remain the same for this permit amendment.

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

The EPA Waiver is in effect.

PA0261297, Industrial Waste, SIC Code 5171, **John Weidman & Son's Inc.**, 541 East Main Street, Ephrata, PA 17522. Facility Name: John Weidman & Son's Ephrata Bulk Petro Stor Plant. This proposed facility is located in Ephrata Township, **Lancaster County**.

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

The receiving stream(s), Unnamed Tributary to Cocalico Creek, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	30	XXX

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

Petroleum Bulk Stations and Marketing Terminals

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

The EPA Waiver is in effect.

PA0043494, Sewage, SIC Code 4952, **Loysville Village Municipal Authority**, P. O. Box 133, Loysville, PA 17047. Facility Name: Loysville STP. This existing facility is located in Tyrone Township, **Perry County**.

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

The receiving stream(s), Muddy Run, is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.11 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Average</i>	<i>Instantaneous Maximum</i>
Flow (MGD) (Interim)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.) (Interim)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Interim)	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.37	XXX	1.2
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.2	XXX	0.7
CBOD ₅ Raw Sewage Influent (Interim)	Report	Report	XXX	Report	XXX	XXX
CBOD ₅ (Interim)	23	36	XXX	25	40	50
Total Suspended Solids Raw Sewage Influent (Interim)	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Total Suspended Solids (Interim)	27	41	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30 (Interim)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30 (Interim)	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31 (Interim)	3.6	XXX	XXX	4.0	XXX	8.0
Ammonia-Nitrogen Nov 1 - Apr 30 (Interim)	11	XXX	XXX	12	XXX	24
Total Phosphorus (Interim)	1.8	XXX	XXX	2.0	XXX	4.0

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

3. Requirements for Total Residual Chlorine (TRC)

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

The EPA Waiver is in effect.

PA0084026, Sewage, SIC Code 4952, **Northwestern Lancaster County Authority**, 97 N Penryn Road, Manheim, PA 17545-9326. Facility Name: Northwestern Lancaster County STP. This existing facility is located in Penn Township, **Lancaster County**.

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

The receiving stream(s), Chickies Creek is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.65 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	136	217	XXX	25	40	50
BOD ₅ Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	163	244 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	24	XXX	XXX	4.5	XXX	9.0
Ammonia-Nitrogen Nov 1 - Apr 30	73	XXX	XXX	13.5	XXX	27
Total Phosphorus	10.8	XXX	XXX	2.0	XXX	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.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia-N	Report	Report		Report	
Kjeldahl-N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	14,987			
Net Total Phosphorus	Report	1,862.5			

* 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.

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

4. Chesapeake Bay Nutrient Requirements
5. Solids Management
6. Receipt of Residual Waste

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

The EPA Waiver is not in effect.

Application No. PA0009733, Industrial Waste, **Exelon Generation Company LLC.**, Peach Bottom Nuclear Power Plant, 200 Exelon Way, Kennett Square PA 19348

This facility is located in Peach Bottom Township, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Susquehanna River is in Watershed 7I and classified for Warm Water Fishes (WWF), water supply, recreation, and fish consumption. The nearest downstream public water supply intake is Chester Water Authority located on the Susquehanna River approximately one mile downstream. The discharge is not expected to affect the water supply, because of the location of the intake on the opposite shore of the river.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>DISCHARGE LIMITATIONS</i>					<i>MONITORING REQUIREMENTS</i>	
	<i>Mass Loading</i>		<i>Concentrations</i>			<i>Minimum Measurement Frequency</i>	<i>Required Sample Type</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>		
Flow (MGD)	Monitor & Report	Monitor & Report	XXX	XXX	XXX	Daily	Calculated
pH (SU)	XXX	XXX	From 6.0 to 9.0 inclusive			1/day	Grab
Total Residual Chlorine (mg/l)	XXX	XXX	XXX	XXX	0.2	1/day	Grab

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Average Monthly	Concentrations		Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum		
Clamtrol CT-1	XXX	XXX	XXX	Monitor & Report	XXX	During Application	Grab
Effluent Temperature (° F)	XXX	XXX	Monitor & Report	Monitor & Report	110	Continuous	"i-s"

The proposed effluent limits for Outfall 002 and Outfall 007 are:

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Average Monthly	Concentrations		Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum		
Discharge limited to Raw Intake Screen Backwash Only. Debris collected on the intake screens shall be collected and not discharged back to the river.							

The proposed effluent limit for Outfall 003, Outfall 004 and Outfall 006 are:

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Average Monthly	Concentrations		Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum		
Flow (MGD)	Monitor & Report	Monitor & Report	XXX	XXX	XXX	1/month	Calculated
Total Suspended Solids (mg/L)	XXX	XXX	30	100	100	1/month	Grab
Oil and Grease (mg/L)	XXX	XXX	15	20	30	1/quarter	Grab

The proposed effluent limits for Outfall 005 are:

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Average Monthly	Concentrations		Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum		
Flow (MGD)	Monitor & Report	Monitor & Report	XXX	XXX	XXX	1/day	Measured
pH (SU)	XXX	XXX	From 6.0 to 9.0 inclusive			1/day	Grab
Dissolved Oxygen	XXX	XXX	Minimum of 5.0 mg/l at all times			1/day	Grab
Total Residual Chlorine	XXX	XXX	Monitor & Report	Monitor & Report	XXX	1/day	Grab
CBOD ₅ (mg/L)	XXX	XXX	25	XXX	50	2/month	8-hour composite
Total Suspended Solids (mg/L)	XXX	XXX	30	XXX	100	2/month	8-hour composite
Total Phosphorus (mg/L)	XXX	XXX	2.0	XXX	4.0	2/month	8-hour composite
Fecal Coliform (5/1 - 9/30)	XXX	XXX	200/100 ml geometric mean			2/month	Grab
Fecal Coliform (10/1 - 4/30)	XXX	XXX	2,000/100mlgeometricmean			2/month	Grab

The proposed effluent limits for Outfall 008 and Outfall 009b are:

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Concentrations			Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum		
An Annual Inspection of these outfalls is required as per Part C of the Permit.							

The proposed effluent limits for Outfall 009a are:

Parameter	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass Loading		Concentrations			Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum		
Flow (MGD)	Monitor & Report	Monitor & Report	XXX	XXX	XXX	1/discharge	Calculated
pH (SU)	XXX	XXX	From 6.0 to 9.0 inclusive			1/discharge	Grab
Total Suspended Solids (mg/L)	XXX	XXX	30	100	100	1/discharge	Grab
Oil and Grease (mg/L)	XXX	XXX	15	20	30	1/discharge	Grab

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

- The permittee shall conduct an Entrainment Characterization Study
- As a demonstration study under Section 316(a) of the Clean Water Act, to evaluate changes to the thermal plume created by operation of up to three helper cooling towers and as a predictive study of the changes to the thermal discharge associated with the potential power uprates at the plant, the permittee shall conduct a Thermal Assessment and Modeling, A Biological Assessment and operate the cooling towers as provided in Part C of the Permit.

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

The EPA waiver is not in effect.

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

PA0094137, Sewage, **RJ&L Limited Partnership**, 10006 Hammock Bend, Chapel Hill, NC 27517.

This application is for renewal of an NPDES permit to discharge treated sewage from Suburban Terrace Mobile Home Park Sewage Treatment Plant in Hopewell Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Boggs Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.023 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
May 1 to Oct 31	2.0			4.0
Nov 1 to Apr 30	3.0			6.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.01			0.03
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096873, Sewage, **Victor Merola**, 211 Lloyd Avenue, North Versailles, PA 15137.

This application is for renewal of an NPDES permit to discharge treated sewage from Lenhart Mobile Home Park Sewage Treatment Plant in Cook Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Keffer Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Latrobe Municipal Authority on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.002 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218570, Sewage, **Central Mainline Sewer Authority**, P. O. Box 56, Lilly, PA 15938.

This application is for renewal of an NPDES permit to discharge treated sewage from Central Mainline Sewer Authority Wastewater Treatment Plant in Portage Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Conemaugh River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.35 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814-332-6942.

PA0239577, Sewage, SIC Code 7033, **USDA Forest Service**, 4 Farm Colony Drive, Warren, PA 16365. Facility Name: Red Bridge Recreation Area STP. This existing facility is located in Hamilton Township, **McKean 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), Kinzua Creek, is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily 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	0.5	XXX	1.2
CBOD5	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX

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 in effect.

PA0103276, Sewage, SIC Code 4952, **Shipperville Borough**, 106 School Street, Shipperville, PA 16254. Facility Name: Shipperville Borough STP. This existing facility is located in Shipperville Borough, **Clarion County**.

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

The receiving stream(s), Deer Creek, is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD5	10.5	16.7	XXX	25	40	50
Total Suspended Solids	12.5	18.8	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX

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 in effect.

III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151024	Jane Blake PO Box 882 Kimberton, PA 19442	Chester	Charlestown Township	Pigeon Run (HQ-TSF)
PAI01 151025	Carolyn W. Turner 9 Horseshoe Lane Paoli, PA 19312	Chester	Willistown Township	Crum Creek (HQ-CWF-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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023510003	Lackawanna County William Davis McDade Park 1 Bald Mountain Rd. Scranton, PA 18504	Lackawanna	Archbald Borough	Aylesworth Creek, CWF, MF, EV-Wetland

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905022(R)	Salvatore Carlo Pulte Homes 1100 Northbrook Dr. Trevose, PA 19053	Lehigh	Upper Macungie Twp. - and - Lower Macungie Twp.	Schaefer Run, HQ-CWF, MF
PAI023909004(1)	Christopher Fencel Cedar-Trexler Plaza 2, LLC & Cedar-Trexler Plaza 3, LLC 3307 Trindle Rd. Camp Hill, PA 17011	Lehigh	Upper Macungie Twp. - and - Lower Macungie Twp.	Unnamed trib. t o Iron Run, HQ-CWF, MF

Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627, 570-674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010004	PPL Electric Utilities Corp. Patrick McMackin Two North Ninth St. Allentown, PA 18101	Luzerne	Salem Twp. - and - Exeter Twp.	Walker Run, CWF, MF; Susquehanna River, CWF, MF; UNT to Susquehanna River, CWF, MF

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

Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 1208 (412-241-7645).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050210002	City of Pittsburgh Department of Parks & Recreation 512 City-County Building Pittsburgh, PA 15219	Allegheny	Pittsburgh	Ohio River (WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050410002	Mark Taylor, Manager Chippewa Township 2811 Darlington Road Beaver Falls, PA 15010	Beaver	Chippewa Township	UNT to North Fork Little Beaver Creek (HQ-CWF)

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

Clarion County Conservation District, 265 Holiday Inn Road, Suite 2, Clarion PA 16214.

Mercer County Conservation District, 753 Greenville Road, Mercer PA 16137.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0616 10 001	PennDOT 250 Oakland Avenue Indiana Pa 15701	Clarion	Ashland Township & Elk Township	East Sandy Creek CWF & Canoe Creek HQ-CWF
PAI 0643 10 001	PennDOT 255 Elm Street, PO Box 398 Oil City PA 16301	Mercer	Borough of Wheatland City of Sharon City of Farrell	Shenango River and Pine Run WWF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, 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, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, 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>
Acorn Farms, Inc. Franklin Family Farms, Inc. 14627 Lurgan Rd. Orrstown, PA 17244	Franklin	95	1340.3	swine	NA	Renewal
New Hope Farm Country View Family Farms 23177 Back Rd. Concord, PA 17217	Franklin	29	2,715.95	swine	NA	Renewal
Joel Rutt 1178 White Oak Rd Manheim, PA 17545	Lancaster	243	677	Swine/Steers/ Broilers	NA	Renewal
Dr. Joe Jurgielewicz & Son, Ltd. PO Box 27 Shartlesville, PA 19554	Berks	98	228.7	Ducks	None	Renewal Application

PUBLIC WATER SUPPLY (PWS)
PERMIT
APPLICATIONS

Pursuant to the Pennsylvania Safe Drinking Water Act, the following parties have applied for a public water supply permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed above 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 this application. Comment responses should include the name, address, and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and 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 any related documents are on file at the office listed above the application and available for public review. Arrangements for inspection and copying information should be made with the office listed above 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 above the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

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

Application No. 4610528 Public Water Supply

Applicant **Andorra Springs Water Co**
 Township Whitemarsh
 County **Montgomery**
 Responsible Official James B. Kravitz
 2201 Barren Hill Road
 Conshohocken, PA 19428

Type of Facility PWS

Application Received Date July 26, 2010

Description of Action Installation of new (name approved) water dispensing machines. The machines provide additional treatment than previously permitted at this facility.

Application No. 0910519 Public Water Supply

Applicant **Newtown Artesian Water Co**
 Borough Newtown Borough
 County **Bucks**
 George Forsyth
 201 North Lincoln Avenue
 Newtown, PA 18940

Type of Facility PWS

Consulting Engineering Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106

Application Received Date July 8, 2010

Description of Action Installation of a sodium hypochlorite injection system at the Newtown Artesian Water Company low service pump station. The Hypochlorite system will replace the existing gas chlorination system on site, and will be dosed to convert chloramines to free chlorine in order to eliminate blending within the distribution system. This should improve disinfection.

Application No. 4610519 Public Water Supply

Applicant **Newtown Artesian Water Co**
 Township Perkiomen
 County **Montgomery**
 Responsible Official Mr. Marc Lucca
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineering C.E.T. Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112

Application Received Date July 20, 2010

Description of Action Replacement of well pump at Rahns Well No. 1.

Application No. 1510515 Public Water Supply

Applicant **Borough of Phoenixville**
 Township Borough of Phoenixville
 County **Chester**
 Responsible Official E. Jean Krack
 140 Church Street
 Phoenixville, PA 19460

Type of Facility PWS

Consulting Engineer Pennoni Associates
 62 Rockford Road
 Wilmington, DE 19806

Application Received Date July 28, 2010

Description of Action Installation of an air scour wash system.

Application No. 0910520 Public Water Supply

Applicant **Perkasie Borough Authority**
 Township Perkasie
 County **Bucks**
 Responsible Official Gary J. Winton
 306 North Fifth Street
 Perkasie, PA 18944

Type of Facility PWS

Consulting Engineer Anderson Engineering Assoc., Inc.
 306 North Fifth Street
 Perkasie, PA 18944

Application Received Date July 28, 2010

Description of Action Installation of an air scour wash system.

Application No. 4610529 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**
 Township Abington
 County **Montgomery**
 Responsible Official Marc A. Lucca
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer C.E.T. Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112

Application Received Date August 13, 2010

Description of Action Installation of a Solar Bee Tank Mixer at the 10 MG Hillside Tank.

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

Permit No. 3110504, Public Water Supply.

Applicant **Neelyton Water Cooperative**
 Municipality Dublin Township
 County **Huntingdon**
 Responsible Official William L. Parson, Chairman
 PO Box 27
 Neelyton, PA 17239
 Type of Facility Public Water Supply
 Consulting Engineer Mark V Glenn, P.E.
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Dr.
 Altoona, PA 16602-4475
 Application Received: 7/26/2010
 Description of Action GWR 4-Log treatment of viruses with a conversion of the existing iodine disinfection to a sodium hypochlorite disinfection system.

Permit No. 3610532, Public Water Supply.

Applicant **Simmontown Mennonite Church**
 Municipality Sadsbury Township
 County **Lancaster**
 Responsible Official D Clair Lapp, Trustee
 c/o Christ R. Beiler
 505 Musser School Road
 Leola, PA 17540
 Type of Facility Public Water Supply
 Consulting Engineer Charles A Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George St.
 York, PA 17401
 Application Received: 8/17/2010
 Description of Action Installation of nitrate treatment system

Permit No. 0610518, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Municipality Reading
 County **Berks**
 Responsible Official David R Kauffman
 800 West Hershey Park Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply
 Consulting Engineer Steven E Riley, P. E.
 Entech Engineering, Inc
 PO Box 32
 Reading, PA 19603
 Application Received: 8/31/2010
 Description of Action Installing TDS treatment by blending purchased finished water from RAWA to blend with Well Nos. 9 & 9A.

Permit No. 3610535, Public Water Supply.

Applicant **Little Britain Mennonite School**
 Municipality Little Britain Township
 County **Lancaster**

Responsible Official Burnell Nolt, School Board
 Chairman
 352 Nottingham Road
 Quarryville, PA 17566
 Type of Facility Public Water Supply
 Consulting Engineer Charles A Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George St.
 York, PA 17401
 Application Received: 9/7/2010
 Description of Action Installation of softening system, nitrate treatment system, sodium hypochlorite disinfection system and lead and copper corrosion control facilities.

Permit No. 2210510, Public Water Supply.

Applicant **Yellow Breeches Education Center**
 Municipality West Hanover Township
 County **Dauphin**
 Responsible Official James Kohler
 1524 Pine Tree Avenue
 Harrisburg, PA 17122-9638
 Type of Facility Public Water Supply
 Consulting Engineer Janet R McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore St.
 Gettysburg, PA 17325
 Application Received: 9/14/2010
 Description of Action Installation of pH adjustment and poly/orthophosphate for LCR treatment.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908)

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any 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. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must 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 the cleanup standards, or who 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 any 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 site(s) identified below, 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 below. During this comment period the municipality may request that the person identified below, 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1-(800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Former Paint Waste Disposal Pit, City of Butler, **Butler County**. MACTEC Engineering & Consulting, Inc., 800 N. Bell Avenue Suite 200, Carnegie, PA 15106 has submitted a Notice of Intent to Remediate. Industrial paint wastes from the former Trinity Industries facility operations were deposited in a shallow pit located at the southeast corner of the site. Light non-aqueous phase liquid (LNAPL) was discovered on the groundwater in the area and soils in the pit area predominantly contained concentrations of volatile organic compounds (VOCs). The proposed future use of the property is non-residential. The Notice of Intent to Remediate was published in The Butler Eagle on July 29, 2010.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Pennsylvania Department of Environmental Protection (DEP) 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 DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/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 identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must 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 DEP 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 identified below. 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 through 143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

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

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

24-083S: Mersen USA—St Marys (215 Stackpole Street, St Marys, PA 15857) formerly known as Carbone of America, for installation of four (4) mixers and a new pulverizer. This action is under Plan Approval 24-083S for the facility at 1032 Trout Run Road, in the City of St Marys, **Elk County**.

25-029B: Erie Coke Corp. (925 East Bay Drive, Erie, PA 16507) for post-construction of a 1.1 MW diesel fuel-fired emergency generator (EGen) in the City of Erie, **Erie County**. This generator will be used to provide power to the facility during periods of utility power outages.

43-356A: Hermitage Municipal Authority (800 North Hermitage Road, Hermitage, PA 16148) for modification of the Bobby Run Water Pollution Control Plant to include digestion and biogas production at 2133 Broadway Avenue in the City of Hermitage, **Mercer County**. This project will include the installation of a biogas engine rated at 600 kw, a combined heat and power (chp) unit, a start up boiler, an emergency flare and an emergency generator.

61-191C: Seneca Printing and Label, Inc. (1642 Debence Drive, Franklin, PA 16323) for installation of an additional flexographic printing press at their facility in Sandy Creek Township, **Venango County**.

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

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

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

46-0027C: Johnson & Johnson Pharmaceutical Research and Development, LLC (Welsh and McKean Roads, Springhouse, PA 19477) for installation of a cogeneration plant to generate steam and electricity which will primarily include a 3.8 MW natural gas fired engine with the associated air pollution control devices (engine) at their manufacturing/pharmaceutical research and development facility at Welsh and McKean Roads, Lower Gwynedd Township, **Montgomery County**. The installation of 3.8 MW engine may result in the emissions of: 8.97 tons per year of Nitrogen Oxides, 20.10 tons per year of Carbon Monoxide, 0.10 tons per year of Sulfur Oxides, 3.44 tons per year of Volatile Organic Compounds, 0.86 tons per year of Formaldehyde, 1.70 tons per year of Hazardous Air Pollutants and 1.72 tons per year of Particulate Matter with an aerodynamic diameter of 2.5 micrometer or smaller. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

36-03054B: Esbenshades Greenhouses, Inc. (546 East 28th Division Highway, Lititz, PA 17543) for installation of a combined heat and power (CHP) boiler system powered by biomass-wood and possibly chicken litter controlled by a multi-cyclone collection system at their greenhouse operation in Elizabeth Township, **Lancaster County**.

The proposed boiler has the potential (w/ controls) to increase facility emissions of PM by 23.2 tpy, PM10 by 21.6 tpy, PM2.5 by 9.4 tpy, SOx by 2.4 tpy, CO by 28.2 tpy, NOx by 46.2 tpy, and VOC by 1.6 tpy. The actual air emissions increase from the proposed project is expected to be negligible since the applicant will be discontinuing use and removing their existing ChipTec Boiler (i.e., DEP Source ID No. 032) once the proposed boiler is online. The facility is a minor facility and the proposal is subject to only the recordkeeping requirements in 40 CFR Part 60,

Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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:

Pennsylvania Department of Environmental Protection
Air Quality Program
909 Elmerton Avenue
Harrisburg, PA 17110

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

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

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

Thomas J. Hanlon, P. E., East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

24-166B: National Fuel Gas Supply Corp. (PO Box 2081, 1100 State Street, Erie, PA 16512-2081) for two (2) 1775 bhp natural gas fueled compressor engines, at the Bowen Compressor Station in Highland Township, **Elk County**.

Pursuant to 25 Pa. Code Sections 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-166B to National Fuel Gas Supply Corporation for two (2) 1775 bhp compressor engines at their facility located 1.33 miles north of Highland Corners, directly east of SR4009, Highland Township, Elk County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 24-166B is for two (2) natural gas fired compressor engines rated at 1775 bhp. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the

potential to emit approximately 24.2 tons of nitrogen oxides, 10.4 tons of carbon monoxide, 24.2 tons of volatile organic compounds (VOCs), 1.64 tons of particulate matter, 1.64 tons of which will be particulate matter less than 10 microns (PM-10) and 0.01 ton of sulfur oxides.

The Plan Approval will contain testing, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements. Portions of the facility will also be subject to the requirements of New Source Performance Standards, 40 CFR Part 60, Subpart JJJJ, for Stationary Spark Ignition Internal Combustion Engines.

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

Contact: Edward Braun, Chief—Telephone: 215-685-9476

AMS 08080: Sunoco, Inc. (3144 Passuynk Avenue, Philadelphia, PA 19145) to modify AMS Plan Approval 08080. The modification includes the permanent shut down of Boiler 38 at No. 3 Boilerhouse as an alternative compliance method to the Consent Decree 05-CV-2866. Sunoco will continue to abide by all permit conditions as permitted in the original permit and as re-stated in the modified permit.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

46-00091: Sunoco Partners Market & Term LP. (4041 Market Street, Aston, PA 19014) for renewal of the Title V Operating Permit at 3920 Sunset Lane, Upper Moreland Township, **Montgomery County**. The initial permit was issued on July 19, 1999. The facility is a gasoline and fuel oil distribution station. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to CAM (40 CFR Part 64) at this time. The facility is subject to 40 CFR 63 Subpart BBBBBB with a compliance date of January 10, 2011. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

45-00007: National Electrical Carbon Products, Inc. (100 Stokes Avenue, East Stroudsburg, PA 18301) for manufacturing of carbon and graphite products facility in East Stroudsburg Borough, **Monroe 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.

64-00014: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) for operation of a rock crushing operation and associated air cleaning devices at their Atkinson Materials facility in Palmyra Township, **Wayne County**. This facility is currently operating under Operating Permit 64-310-013. All permit requirements shall be included in the new State-Only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, record keeping, and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

49-00042: Catawissa Wood & Component, Inc. (1015 West Valley Avenue, Elysburg, PA 17824) for their hardwood dimension mill in Ralpho Township, **Northumberland County**. The facility's main sources include two (2) wood fired boilers, eight (8) steam heated lumber drying kilns, and wood working operation. The facility has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included in the operating permit.

19-00016: Milco Industries, Inc. (PO Box 568, Bloomsburg, PA 17815) for their facility in Town of Bloomsburg, **Columbia County**. The facility's main sources include two (2) identical Kewanee manufactured natural gas/#2 fuel fired boilers and two (2) natural gas fired tenter frame fabric dryers. The facility has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included in the operating permit.

17-00028: Hepburnia Coal Co. (PO Box I, Grampian, PA 16838) for their coal processing facility in Greenwood Township, **Clearfield County**. The facility's main sources include a coal processing operation and unpaved site haul roads. The facility has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included in the operating permit.

PLAN APPROVALS

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

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

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

39-318-119 Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017-2131) for installation of a new paint spray booth with panel filters and four existing paint booths already at their existing facility on 2315 City Line Road in Bethlehem, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017-2131) for their facility located in Bethlehem, Lehigh County. This Plan Approval No. 39-318-119 will be incorporated into a synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-318-119 is for the installation of a new paint spray booth with panel filters and including four existing paint booths already at their existing facility located on 2315 City Line Road in Bethlehem. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.04 grains/dscf. The company shall be subject to and comply with 25 Pa. Code Chapter 129.52 for VOC emission limits. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code 123.41 for Visible emissions. Emissions will be controlled by the use of dry filters. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 39-318-119.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing

by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient.

Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

45-303-011: Eureka Stone Quarry, Inc.—Pocono Quarry (PO Box 249, Chalfont, PA 18914) for installation of a Recycled Asphalt System (RAP) for their facility in Hamilton Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Eureka Stone Quarry, Inc.—Pocono Quarry (PO Box 249, Chalfont, PA 18914) for their facility in Hamilton Township, Monroe County. This Plan Approval No. 45-303-011 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-303-011 is for the installation of a Recycled Asphalt System (RAP). The particulate emissions from the fabric collector shall not exceed the Best Available Technology (BAT) standard of 0.02 grains/dscf. The company is subject to NSPS Subpart I requirements. The visible emission opacity shall not be equal to or greater than 20 % at any time. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 45-303-011.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

45-310-056: Eureka Stone Quarry Inc (Pocono Quarry) (PO Box 249, Chalfont, PA 18914) for installation of two new decks on their existing screens for their facility located in Hamilton Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Eureka Stone Quarry, Inc.—Pocono Quarry (PO Box 249, Chalfont, PA 18914) for their facility located in Hamilton Township, Monroe County. This Plan Approval No. 45-310-056 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-310-056 is for the installation of two new decks on their existing screens. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 45-310-056.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

40-399-070: Greater Hazleton Joint Sewer Authority (PO Box 651, Hazleton, PA 18201-0651) for their facility in West Hazleton Borough, **Luzerne County**. This Plan Approval No. 40-399-070 will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Greater Hazleton Joint Sewer Authority** (PO Box 651, Hazleton, PA 18201-0651) for their facility located in West Hazleton Borough, **Luzerne County**. This Plan Approval No. 40-399-070 will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-399-070 is for the installation of a Fluidized Bed Incinerator to control their emissions at their facility. The plant is subject to 40 CFR Part 60 Subpart O requirements. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a

12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 40-399-070.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

54-310-053: Richard E Pierson Construction Co., Inc.—Middleport Quarry (PO Box 4309, Woodstown, NJ 08098-0430) for replacement of a crushing plant with a new crushing plant with water sprays at Middleport Quarry for their facility in Walker Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Richard E Pierson Construction Co., Inc.—Middleport Quarry (PO Box 4309, Woodstown, NJ 08098-0430) for their facility located in Walker Township, Schuylkill County. This Plan Approval No. 54-310-053 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-310-053 is for the replacement of a crushing plant with a new crushing plant with water sprays at Middleport Quarry. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 54-310-053.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 Act (52 P. S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above 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 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 above 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—123 and 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), 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.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2 below. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the District Mining Office indicated above each application 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	Table 1		
	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied 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; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

30841317 and NPDES Permit # PA0213527, Consol PA Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** and related NPDES permit to update supply yard erosion and sedimentation controls, add a supply yard sedimentation pond, and add NPDES discharge point Outfall 034. Receiving stream: Enlow Fork; classified for the following use: TSF. Application received: July 28, 2010.

63743702 and NPDES Permit # PA0214248, Eighty Four Mining Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Mine 84 Refuse Area in Somerset Township, **Washington County** and related NPDES permit. No additional discharges. Application received: June 4, 2010.

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

32100103 and NPDES No. PA0263061, KMP Associates, Inc., 3756 Route 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface coal refuse reprocessing mine in Young Township, **Indiana County**, affecting 32.0 acres. Receiving stream(s): Harpers Run to Blacklegs Creek to Kiskiminetas River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2010.

Permit No. 56100105 and NPDES No. PA0263079, Svonavec, Inc., 150 West Union Street, P. O. Box 312, Somerset, PA 15501 commencement, operation and restoration of a bituminous surface and auger mine in Black Township, **Somerset County**, affecting 141.0 acres. Receiving stream(s): Coxes Creek and Wilson Creek classi-

fied for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2010.

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

03950113 and NPDES Permit No. PA0201529, Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701). Renewal application for the 3 year not started status of a bituminous surface mine, located in Burrell & South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: unnamed tributary to Crooked Creek and Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 16, 2010.

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

33820149 and NPDES Permit No. PA0605557, Strishock LLC (220 Hillcrest Drive, DuBois, PA 15801) Transfer of an existing bituminous strip and limestone removal operation from Strishock Coal Company in Washington Township, **Jefferson County** affecting 54.0 acres. Receiving streams: One unnamed tributary of Mill Creek to Sandy Lick Creek to Redbank Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 10, 2010.

33030101 and NPDES Permit No. PA0242292, Strishock LLC (220 Hillcrest Drive, DuBois, PA 15801) Transfer of an existing bituminous strip operation from Strishock Coal Company in Washington Township, **Jefferson County** affecting 103.5 acres. Receiving streams: Horm Run to Mill Creek to Sandy Lick Creek to Redbank Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 10, 2010.

10040103 and NPDES Permit No. PA0242535, Anandale Quarries, Inc. (219 Goff Station Road, Boyers, PA 16020) Renewal of an existing bituminous surface strip operation in Venango Township, **Butler County** affecting 23.3 acres. Receiving streams: Seating Creek to Slippery Rock Creek to the Connoquenessing Creek to the Beaver River, classified for the following: CWF. There are

no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: September 15, 2010.

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

54663030R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation for reclamation activi-

ties only in Mahanoy Township, **Schuylkill County** affecting 173.0 acres, receiving stream: none. Application received: September 14, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

28030302 and NPDES Permit No. PA0224359. St. Thomas Development, Inc., 150 Walton Road, Blue Bell, PA 19422, renewal of NPDES Permit, St. Thomas Township, **Franklin County**. Receiving stream(s): UNT Campbell Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2010.

31100801. William F. McGarvey, 11741 Hogan Road, Shirleysburg, PA 17260, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Shirley Township, **Huntingdon County**, affecting 5 acres, receiving stream(s): unnamed tributaries to Aughwick Creek. Permit received: April 7, 2010.

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

2969BSM24 and NPDES Permit No. PA0252018. Potato Ridge, LLC (520 W. Short Street, Lexington, KY 40507-1252). NPDES Industrial Waste Water application for reclamation treatment of a discharge on an inactive surface mine, located in Stewart Township, **Fayette County**, affecting 100 acres. Receiving streams: Laurel Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 7, 2010.

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

08100305 and NPDES No. PA0257443. Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034). Commencement, operation and restoration of a large non-coal surface mine (sand & gravel) located in Sheshequin Township, **Bradford County** affecting 67.47 acres. Receiving streams: Susquehanna River classified

for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2010.

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 of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1341), requires the state to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C. §§ 1311—1313, 1316 and 1317 as well as relevant state requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the 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 the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

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 of the Federal Water Pollution Control Act (33 U.S.C. §§ 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-242. PRPA, 3460 N. Delaware Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities on approximately 116 acre of land within the floodplain of the Delaware River associated with the proposed Southport Marine Terminal facility located at the eastern end of the former Naval Shipyard:

1. To re-locate and maintain approximately 1,000 linear feet of stormwater channel.
2. To construct and maintain a 20-foot wide by 5-foot rise box culvert across an unnamed tributary to Delaware River associated with the proposed marine terminal access road.
3. To construct and maintain approximately 3,128 linear feet of concrete bulkhead along Delaware River.
4. To stabilize and maintain approximately 2,400 linear feet of stream bank by utilizing rip-rap.
5. To place and maintain fill in the floodplain associated with the construction of the proposed marine terminal. This work includes construction of a utility trench, pile-supported crane rails associated with two 1,064-foot berths for containerized cargo ships, and a plinth and gravel container storage area.
6. To install and maintain approximately a 2,128-foot long wharf along Delaware River.
7. To construct and maintain a container yard and associated utilities for the loading, offloading, and storage of containers.
8. To install and maintain six electric-powered gantry cranes.
9. To construct and maintain various buildings, including a gate house and an administration building.
10. To construct and maintain various Stormwater Management facilities.
11. To dredge the Delaware River to approximately -40 feet mean lower low water (MLLW) from the new bulkhead line to the limits of the federally maintained navigation channel. Dredging may include a 2-foot over dredge for final elevation of -42 feet MLLW.
12. Potential additional dredging to -45 feet MLLW plus an allowable 2-foot over dredge may occur at some future date if deeper-draft vessels make calls to Port of Philadelphia.

A total of approximately 88.38 acres of fill is to be placed in the floodplain, and 3.62 acres of fill is to be placed in the river. This project permanently impacts approximately 3.75 acres of non-tidal wetlands, and 9.41 acres of intertidal/sub-tidal wetlands. Approximately 1,008,000 cubic yards of dredge material is to be removed from the river bottom (to -40'+2), and disposed of in a

permitted CDF. The surface area to be dredged is approximately 35 acres with existing depths ranging from -0 to -45 feet MLLW.

The site is located along the Delaware River, starting in the east end of the former Philadelphia Naval Shipyard and extending to the existing sheet pile bulkhead just south of Pier 124. (Philadelphia, PA USGS Quadrangle N: 3.7 inches; W: 4.00 inches).

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

E35-430. County of Lackawanna, 200 Adams Avenue, Scranton, PA 18503, in Archbald Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place fill in 0.04 acre of wetlands and to relocate approximately 485 feet of a tributary to Aylesworth Creek Reservoir with the construction and maintenance of 535 feet of new channel meandering through an existing wetland, for the purpose of constructing Aylesworth Creek Reservoir Park. The project is located in the emergency spillway of Aylesworth Creek Reservoir approximately 1200 feet upstream of US 6 (Lackawanna Valley Industrial Highway/Casey Highway) (Carbondale, PA Quadrangle, Latitude: 41°31'14"; Longitude: -75°31'43").

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

E08-468. Michael Greenough, RR2 Box 213B, Columbia Crossroads, PA 16914. Water Obstruction and Encroachment Joint Permit Application, in Smithfield Township, **Bradford County**, ACOE Susquehanna River Basin District (Ulster, PA Quadrangle N: 41° 50' 30"; W: 76° 37' 6").

To construct and maintain a bridge having a span of 45 feet, width of 13 feet and an underclearance of 7.5 feet over Tomjack Creek (WWF). The bridge is located off Smithfield Road, 1.5 miles southwest of East Smithfield in Smithfield Township, Bradford County. This project proposes to permanently impact 13 linear feet of Tomjack Creek, which is designated a Warm Water Fishery and impact 0.0 acres jurisdictional wetlands.

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

E11-340. Glendale Valley Municipal Authority, 1800 Beaver Valley Road, Flinton, PA 16640. To construct and maintain 7 utility line stream crossings, 255 utility line stream crossings, 54 utility line wetland crossings and fill wetlands in White and Reade Townships, **Cambria County**, Baltimore ACOE District. (Southwest corner of project area: Coalport, PA Quadrangle: N: 4.4"; W 1.9"; Latitude 40° 38' 57"; Longitude 78° 30' 50" and Northwest corner of project area: Coalport, PA Quadrangle: N: 16" W: 6.9" Latitude 40° 42' 48"; Longitude 78° 32' 59"; Eastern Extreme of project). The applicant proposes to construct and maintain approximately 7 utility line stream crossings on Clearfield Creek (CWF), to construct and maintain approximately 255 utility line stream crossings, to construct and maintain 54 utility line wetland crossings and to place and maintain fill in .03 acres of wetlands, on tributaries to Clearfield Creek, and all for the purpose of installing a public sewer and water supply system, consisting of approximately 180,000' of sewer line and approximately 46,000' of waterline, six pump stations and a sewage treatment plant.

E63-629. Peters Township Sanitary Authority, 111 Bell Drive, McMurray, PA 15317. To make improvements and grading in the floodplain of Brush Run in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 7.6 inches; W: 14.9 inches; Latitude: 40°17'31"; Longitude: 80°06'25"). The applicant proposes to construct and maintain improvements and associated grading in the floodplain of Brush Run (WWF) in the existing Brush Run Water Pollution Control Plant located along Valley Brook Road north of SR 19 in Peters Township.

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

E62-425, Southwest Township, 42 Eldred Center Road, Grand Valley, PA 16420. Stony Hollow Structure Replacement, in Southwest Township, **Warren County**, ACOE Pittsburgh District (Grand Valley, PA Quadrangle N: 41°, 40', 34"; W: 79°, 35', 33").

To remove the existing deteriorated bridge on Stony Hollow on Flat Road approximately 0.5 mile northeast of the intersection of Flat Road and T-311 in Southwest Township, Warren County and to construct a crossing consisting of: 1) an elliptical CMP culvert having a rise of 6.75 feet and a span of 4.9 feet and having a length of 30 feet, 2) two elevated high flow CMP culverts having rises of 3.8 feet and spans of 3.0 feet having a length of 30 feet (respectively), and 3) depressed rock aprons at the inlet and outlet. Project includes installation of rock riprap on the eroded left streambank approximately 50 feet down-

stream from the culvert outlet. Stony Hollow is a perennial stream classified as EV (exceptional value).

APPLICATIONS RECEIVED UNDER THE LIMITED POWER ACT

The following permit applications have been received by the Department of Environmental Protection (Department) under the Limited Power Act of June 14, 1923, P. L. 704 (as amended by the Act of July 19, 1935, P. L. 1363). Persons objecting to the issuance of a Limited Power Permit must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above 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. TODD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

Northcentral Regional Oil and Gas Manager, 208 W. Third St., Suite 101, Williamsport, PA 17701.

95-16-65420-009. Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, Pennsylvania, 16365. Project proposes to construct a centralized frac water impoundment at their Fisk Hollow Well Pad Site, Located in Pleasant Valley Township, **Potter County**, on State Game Lands 59. This impoundment will replace an existing, but unused, "frac pit". (Roulette, PA Quadrangle; Latitude: N 41° 50' 52.09", Longitude: W 78° 09' 27.63"), **Pleasant Valley Township, Potter County**.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10011	Fluids Management Division of AES Drilling 11767 Katy Freeway Suite 230 Houston, TX 77079 Attn: Mr. Dwayne LeJeune	Bradford	Wyalusing Township	26 ASTs storing synthetic oil / drilling mud	524,160 gallons total

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOIs) for coverage under General Permits. This Notice of Final Action is provided in accordance with regulations at 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of the Pennsylvania Clean Streams Law, 35 P. S. §§ 691.1 *et seq.*, and the Federal Clean Water Act, 33 USCA §§ 1251 *et seq.*

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New, 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 through VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permit(s). The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth 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 above the action.

ANY PERSON AGGRIEVED BY ANY OF THESE ACTIONS MAY APPEAL THAT ACTION TO THE ENVIRONMENTAL HEARING BOARD, PURSUANT TO SECTION 4 OF THE ENVIRONMENTAL HEARING BOARD ACT, 35 P. S. SECTION 7514, AND THE ADMINISTRATIVE AGENCY LAW, 2 PA. C.S. CHAPTER 5A. 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 ENVIRONMENTAL HEARING BOARD WITHIN 30 DAYS OF PUBLICATION OF THIS NOTICE IN THE *PENNSYLVANIA BULLETIN*, UNLESS THE APPROPRIATE STATUTE PROVIDES A DIFFERENT TIME PERIOD. COPIES OF THE APPEAL FORM AND THE BOARD'S RULES OF PRACTICE AND PROCEDURE MAY BE OBTAINED FROM THE BOARD. THE APPEAL FORM AND THE BOARD'S RULES OF PRACTICE AND PROCEDURE ARE ALSO AVAILABLE IN BRAILLE OR ON AUDIOTAPE FROM THE SECRETARY TO THE BOARD AT 717-787-3483. THIS PARAGRAPH DOES NOT, IN AND OF ITSELF, CREATE ANY RIGHT OF APPEAL BEYOND THAT PERMITTED BY APPLICABLE STATUTES AND DECISIONAL LAW.

IF YOU WANT TO CHALLENGE AN ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD CONTACT A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060330 (Sewage)	Hawley Area Authority 1010 Hudson Street Hawley, PA 18428	Pike County Lackawaxen Township	Lackawaxen River (1-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083844 (IW)	East Petersburg Borough— Grayston Road Facility 6040 Main Street East Petersburg, PA 17520	Lancaster County/ East Petersburg Borough	Little Conestoga River / 7-J	Y
PA0247804 (IW)	PMP Investments, LLC 44 Denver Road Denver, PA 17517	Lancaster County/ East Cocalico Township	Stony Run/ 7-J	Y
PA0087271 (IW)	East Petersburg Borough— Koser Road Facility 6040 Main Street East Petersburg, PA 17520	Lancaster County/ Manheim Township	UNT Little Conestoga Creek/ 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0036773 (Sewage)	Shinglehouse Borough Wastewater Treatment Plant PO Box 156 Shinglehouse, PA 16748	Potter County Shinglehouse Borough	Honeoye Creek (16-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0036307 Sewage	Municipal Authority Robinson Township PO Box 15539 Pittsburgh, PA 15244-0539	Allegheny County Robinson Township	Moon Run	Y
PA0030350 Sewage	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926	Somerset County Indian Lake Borough	Indian Lake- Clear Run Branch	Y
PA0216992 Sewage	Shannock Valley General Services Auth. 111 South Center Street, PO Box 168 NuMine, PA 16244	Armstrong County Cowanshannock Twp.	Cowanshannock Creek	Y

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

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

NPDES Permit No. PA0011851, Industrial Waste, **Superior Tube Co., Inc**, 3900 Germantown Pike, Collegeville, PA 19426-3112. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge from a facility known as Superior Tube Collegeville Facility to the Perkiomen Creek and an Unnamed Tributary to Perkiomen Creek in Watershed 3-E.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0532.

PA0233901, Industrial Waste, SIC Code 4953, 562200, **Somerset Region Water Resources LLC**, 4 SR 1006, Tunkhannock, PA 18657-0002. Facility Name: Tuscarora Township IWWT Facility. This proposed facility is located in Tuscarora Township, **Bradford County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 4-D 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 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX
BOD5	221	680	XXX	53	163	204
Chemical Oxygen Demand	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	42	83	XXX	10	20	25
Total Dissolved Solids	2085	4170	XXX	500	1000	1250
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	63	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	104	209	XXX	25	50	63
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Acidity, Total (as CaCO3)	Report	Report	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO3)	Report	Report	Report	Report	Report	XXX
Alkalinity, Total (as CaCO3)	Report	Report	Report	Report	Report	XXX
Effluent Net	XXX	XXX	1	XXX	XXX	XXX
Total Aluminum	8.3	17	XXX	2.0	4.0	5.0
Total Antimony	0.13	0.46	XXX	0.0312	0.111	0.139
Total Arsenic	0.083	0.41	XXX	0.0199	0.0993	0.124
Total Barium	42	83	XXX	10	20	25

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Beryllium	Report	Report	XXX	Report	Report	XXX
Total Boron	Report	Report	XXX	Report	Report	XXX
Total Cadmium	0.043	0.072	XXX	0.0102	0.0172	0.0255
Total Chromium	0.22	0.70	XXX	0.0522	0.167	0.209
Total Cobalt	0.29	0.76	XXX	0.0703	0.182	0.228
Total Copper	0.90	2.75	XXX	0.216	0.659	0.824
Dissolved Iron	Report	Report	XXX	Report	Report	7.0
Total Iron	13	25	XXX	3.0	6.0	7.5
Total Lead	0.24	0.37	XXX	0.057	0.089	0.14
Total Lithium	Report	Report	XXX	Report	Report	XXX
Total Manganese	8.3	17	XXX	2.0	4.0	5.0
Total Magnesium	Report	Report	XXX	Report	Report	XXX
Total Calcium	Report	Report	XXX	Report	Report	XXX
Total Mercury	0.0010	0.0027	XXX	0.000246	0.000641	0.000801
Total Molybdenum	Report	Report	XXX	Report	Report	XXX
Total Nickel	1.3	3.3	XXX	0.309	0.794	0.993
Total Selenium	0.29	0.73	XXX	0.0698	0.176	0.220
Total Silver	0.051	0.13	XXX	0.0122	0.0318	0.0398
Total Sodium	Report	Report	XXX	Report	Report	XXX
Total Strontium Sulfate	42	83	XXX	10	20	25
Total Tin	1043	2085	XXX	250	500	625
Total Titanium	0.15	0.40	XXX	0.0367	0.0955	0.119
Total Vanadium	0.026	0.066	XXX	0.00612	0.0159	0.0119
Total Zinc	0.22	0.26	XXX	0.0518	0.0628	0.13
o-Cresol	1.1	2.7	XXX	0.252	0.657	0.821
2,4,6-Trichlorophenol	2.3	8.0	XXX	0.561	1.92	2.4
Phenol	0.44	0.65	XXX	0.106	0.155	0.265
Acetone	4.5	15	XXX	1.08	3.65	4.6
Acetophenone	33	126	XXX	7.97	30.2	37.8
Ethylbenzene	0.23	0.48	XXX	0.056	0.114	0.14
Benzene	Report	Report	XXX	Report	Report	XXX
Butyl Benzyl Phthalate	4.2	6.7	XXX	1.0	1.6	2.5
Chloride	0.37	0.78	XXX	0.0887	0.188	0.222
Bromide	1043	2085	XXX	250	500	625
2-Butanone	Report	Report	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate	7.7	20	XXX	1.85	4.81	6.0
Ethylene Glycol	0.42	0.90	XXX	0.101	0.215	0.253
Fluoranthene	Report	Report	XXX	Report	Report	XXX
Carbazole	0.11	0.22	XXX	0.0268	0.0537	0.067
n-Decane	1.2	2.5	XXX	0.276	0.598	0.69
n-Octadecane	1.8	4.0	XXX	0.437	0.948	1.09
MBAS	1.3	3.3	XXX	0.302	0.589	0.755
p-Cresol	Report	Report	XXX	Report	Report	XXX
Pyridine	0.85	2.9	XXX	0.205	0.698	0.87
Toluene	0.76	1.5	XXX	0.182	0.370	0.46
Total Xylenes	Report	Report	XXX	Report	Report	XXX
Hardness, Total (as CaCO3)	Report	Report	XXX	Report	Report	XXX
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	0			
Net Total Phosphorus	Report	0			

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

the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department. The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on the first full water year (October 1 through September 30).

** The reporting requirements for annual loads will be required to be reported on the Supplemental DMR - Annual Nutrient Summary for each water year.

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

I. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

II. OTHER REQUIREMENTS

- A. The right to require operation and/or construction changes, when necessary, to produce an acceptable discharge
- B. Requires proper disposal of sludge

III. RECEIPT OF RESIDUAL WASTE

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

The EPA Waiver is not in effect.

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

NPDES Permit No. PA0103896, Industrial Waste, **Amendment No. 1, County Landfill, Inc.**, 5600 Niagara Falls Boulevard, Niagara Falls, NY 14304-1532.

This existing facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: An amendment of an NPDES permit for an existing discharge of treated industrial waste (leachate, non-hazardous).

NPDES Permit No. PA0026832, Sewage, **Borough of Ellwood City**, 525 Lawrence Avenue, Ellwood City, PA 16117.

This existing facility is located in Wayne Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a NPDES permit, for an existing discharge of treated sewage from a Municipal STP. This is a major discharge.

NPDES Permit No. PA0101737, Sewage, **James A. Cripe, Sr, d/b/a Wilderness MHP**, 7556 West Highland Drive, Coeur D'Alene, ID 83814.

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

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. WQG02671001, Sewage, **Highland Park Housing, LP**, 722 Yorklyn Road, Suite 350, Hockessin, DE 19707.

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

Description of Proposed Action/Activity: Construction/Operation of the Highland Park Pumping Station to serve

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

WQM Permit No. 4306403, Sewerage, **Amendment No. 1, Skyline Development Inc.**, 114 Tower Road, Saxonburg, PA 16056.

This existing facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This is a proposed modification of Sewerage Facilities at the Summit Estates Mobile Home Park, to construct disinfection system upgrades to address effluent limit violations at this 30 unit facility. These improvements should help abate fecal coliform, CBOD & TSS limit violations.

WQM Permit No. WQG018772, Sewerage, **Richard Testi**, 9054 Middle Road, Lake City, PA 16423

This proposed/existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Construction of Single Residence Small Flow Treatment Facility to replace a malfunctioning onlot system.

IV. NPDES Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4) Permit Actions**V. NPDES Waiver Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4) Actions****VI. NPDES Discharges Of Stormwater Associated With Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151020	Valley Forge Education Services 1777 North Valley Road Paoli, PA 19301	Chester	Tredyffrin Township	Tributary Little Valley Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909009(1)	Lehigh Carbon Community College 4525 Education Park Drive Schnecksville, PA 18078	Lehigh	North Whitehall Twp.	Tributary to Jordan Creek, HQ-CWF, MF
PAI024810004	Arcadia East Association No. 1 & Arcadia East Association No. 1, Inc. 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Northampton	East Allen Twp.	Monocacy Creek, HQ-CWF, MF
PAI023910005	Cumberland Gardens/Housing Partnership One Brewery Park 1301 North 31st Street Philadelphia, PA 19121	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF, MF
PAI024510002	Pennsylvania CVS Pharmacy, LLC 8 Devonshires Court Blue Bell, PA 19422	Monroe	Chestnuthill Twp.	Pohopoco Creek, EV, MF
PAI024510007	Walmart Stores, Inc. 2001 S.E. 10th Street Bentonville, AR 72716-0550	Monroe	Coolbaugh Twp.	Pollys Run, HQ-CWF, MF
PAI023910009	DFM Realty 27 North Reading Ave. P. O. Box 547 Boyertown, PA 19512	Lehigh	Upper Macungie Twp.	Schaefer Run, HQ-CWF, MF; Little Lehigh Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032110002	Samuel Cressler & Michael Proffitt P. O. Box 249 Shippensburg, PA 17257	Cumberland	Shippensburg Borough	Middle Spring Creek/HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409010	Jack Raykovitz Second Mile-Center for Excellence 1402 S Atherton St State College, PA 16801	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

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

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15465 (724-438-4497).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002-1	Atlantic Wind, LLC (Subsidiary of Iberdrola Renewables, Inc.) Suite 500 201 King of Prussia Road Radnor, PA 19087	Fayette	Georges, Wharton and Springhill Townships	Big Sandy Creek (HQ-CWF) Laurel Run (HQ-CWF) Mountain Creek (CWF) Quebec Run (EV) Rubles Run (CWF)

Greene County Conservation District, 93 East High Street, Room 215, Waynesburg, PA 15370 (724-852-5278).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053009001	West Penn Power Company d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15301	Greene	Center and Franklin Townships	Stewart Run and Pursley Creek (HQ-WWF) and Smith Creek (WWF)

VII. Approvals To Use Npdes And/Or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warwick, Warminster and Buckingham Townships Bucks County	PAG0200 091047	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Little Neshaminy, Neshaminy and Watsons Creeks (WWF-MF-TSF-MF-CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 091041	USS Real Estate— A division of USS Corporation One Ben Fairless Drive Fairless Hills, PA 19030	Delaware River—Pidcock and Mill Creeks (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAG0200 09067-1	Warminster Municipal Authority PO Box 2279 415 Gibson Avenue Warminster, PA 18974	Blair Mill Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware County	PAG0200 231002	C. Edward Scheivert, Inc. PO Box 287 Gradyville, PA 19093	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2309003	BMR-145 King of Prussia Rd, LP 1205 West Lake Drive, Ste 240 Berwyn, PA 19312	Brown Run/Darby Run/Cobbs Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chadds Ford Township Delaware County	PAG0200 2308036	Rose Tree Development Co., Inc. 1080 Green Lane Glen Mills, PA 19312-9600	Unnamed Tributaries Harvey Run and Beaver Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG0200 2308054	Spring Lane, LP 234 North James Street Newport, DE 19804	West Branch Chester Creek and Beaver Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Delaware County	PAG0200 2307031	Delaware Co Dept of Public Works Delaware Co Government Center— 201 West Front Street— RM 207 Media, PA 19063	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 4609066	United Methodist Metro Ministries 3470 Huntingdon Pike Huntingdon Valley, PA 19006	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain and Worcester Townships Montgomery County	PAG0200 461010	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Unnamed Tributary Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Scranton, Lackawanna County	PAG02003510013	Hurlow M. Rolands Sr. Astima Inc. P. O. Box 350 Scranton, PA 18501	Lackawanna River, CWF, MF	Lackawanna Co. Conservation Dist. 570-281-9495
City of Scranton, Lackawanna County	PAG02003506007(1)	James Devers Claver Hall 915 Mulberry St. Scranton, PA 18510	Lackawanna River, CWF, MF	Lackawanna Co. Conservation Dist. 570-281-9495
City of Scranton, Lackawanna County	PAG02003510012	James Devers University of Scranton 900 Mulberry St. Scranton, PA 18510	Lackawanna River, CWF, MF	Lackawanna Co. Conservation Dist. 570-281-9495
Pittston Twp., Luzerne County	PAG02004010011	Middle Valley Development, LLC Christopher A. Langel 1065 Highway 315 Suite 102 Wilkes-Barre, PA 18702	Mill Creek, CWF, MF	Luzerne Co. Conservation Dist. 570-674-7991

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plains Twp., Luzerne County	PAG02004010006	Mericle 2 East Mountain, LLC Robert Mericle 100 Baltimore Dr. Wilkes-Barre, PA 18702	Laurel Run, CWF, MF; Mill Creek, CWF, MF	Luzerne Co. Conservation Dist. 570-674-7991
Jenkins Twp., Luzerne County	PAG02004010008	Mericle River Road, LLC Robert Mericle 100 Baltimore Dr. Wilkes-Barre, PA 18702	UNT to Susquehanna River, CWF, MF	Luzerne Co. Conservation Dist. 570-674-7991
Palmer Twp., Northampton Co.	PAG02004810002	Gary J. Strausser Strausser Enterprises 1108 Van Buren Rd. Easton, PA 18045	Schoeneck Creek, WWF, MF	Northampton Co. Conservation Dist. 610-746-1971
Eaton Twp., Wyoming Co.	PAG02006610003	Susquehanna Hospitality LLC 41 Sherwood Lane Tunkhannock, PA 18657	Susquehanna River, WWF, MF	Wyoming Co. Conservation Dist. 570-836-2589
Littlestown Borough Adams County	PAG2000110017	John Kemp Two Farms, Inc. 3611 Roland Avenue Baltimore, MD 21211	Alloway Creek/ WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Dover Township York County	PAG2006708048	P.C. Sekhar Chadaga 110 Iverness Drive Blue Bell, PA 19422	UNT to Fox Run/ TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Paradise Township York County	PAG2006709061	Jeff McCauslin Catholic Charities Diocese of Harrisburg, PA, Inc. 4800 Union Deposit Road Harrisburg, PA 17111	UNT to Beaver Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Upper Allen Township Cumberland County	PAG2002110014	Upper Allen Township Lou Fazekas 100 Gettysburg Pike Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek/ CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Blair Township Freedom Township Blair County	PAG2000710008	James Barley New Enterprise Stone & Lime Company, Inc. 3912 Brumbaugh Road P. O. Box 77 New Enterprise, PA 16664	Frankstown Branch Juniata River-UNT to Frankstown Branch Juniata River/ TSF-WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 Ext 5
Wysox Township Bradford County	PAG2000810013	Larry W Fulmer Four Friends RR 6 Box 6167A Towanda, PA 18848	Laning Creek WWF Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Delaware & Lewis Townships Northumberland County	PAG2004910012	James Hornberger Hornberger Subdivision, Phase 2 10170 Route 44 Watsonstown, PA 17777	UNT to Warrior Run WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County City of Washington	PAG02006310018	Fairmont Supply Company 1001 Consol Energy Drive Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Pine Township Mercer County	PAG02 0043 10 003	Larry Warner 407 South Erie Street Mercer PA 16137	Wolf Creek CWF	Mercer Conservation District 724-662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Nazareth Twp. Northampton County	PAR802250	FedEx National LTL, Inc. 2200 Forward Drive DC:2270 Harrison, AR 72601	Jackson School Pond	PA DEP Northeast Regional Office 2 Public Square Wilkes Barre, PA 18701-1915 570-826-2511
Madison Township Columbia County	PAR604832	Swartz Salvage Yard 177 Swartz Road Bloomsburg, PA 17815-6601	Unnamed Tributary of East Branch Chillisquaque Creek— 10-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0532
New Sewickley Township Beaver County	PAR606169	Novak Auto Parts, Inc. 1640 Route 68 New Brighton, PA 15066	UNT to Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
City of Washington Washington County	PAR806148	United States Postal Service 15 Jefferson Avenue Washington, PA 15301-9721	Catfish Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Brookville Borough Jefferson County	PAR228322	Matson Lumber Company 132 Main Street Brookville, PA 15825	Sandy Lick Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of New Castle Lawrence County	PAR218325	BPI Inc. 612 S. Trenton Avenue Pittsburgh, PA 15221	Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Greene Township
Erie CountyPermit No.
PAG041005*Applicant Name &
Address*
Richared Testi
9054 Middle Road Lake
City, PA 16423*Receiving
Water/Use*
Unnamed tributary
to Fourmile Creek,
15*Contact Office &
Phone No.*
DEP
NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Mahaffey
Borough STP
State Route 219
Clearfield County
Mahaffey BoroughPermit No.
PAG 08-
4841*Applicant Name &
Address*
Mahaffey Borough
Municipal Authority
PO Box 202
Mahaffey, PA 15757*Site Name &
Location*
Stephen Banks Farm
Ferguson Township
Clearfield County*Contact Office &
Phone No.*
Northcentral Regional
Office Water
Management Program
208 West Third Street,
Suite 101
Williamsport, PA 17701
(570) 327-3664*General Permit Type—PAG-9**Facility Location:
Municipality &
County*City of Easton
Northampton
CountyPermit No.
PAG09-
2219*Applicant Name &
Address*
Easton Area Joint
Sewer Authority
50-A-South
Delaware Drive
Easton, PA 18042*Site Name &
Location*
Easton Area Joint
Sewer Authority
50-A-South
Delaware Drive
Easton, PA 18042*Contact Office &
Phone No.*
PA DEP NERO
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511*General Permit Type—PAG-12**Facility Location &
Municipality*Rapho Township/
Lancaster CountyPermit No.
PAG123582*Applicant Name &
Address*
Lester Weaver Farm
2560 Sunnyside Road
Manheim, PA 17545*Receiving
Water/Use*
UNT Brubaker Run—
TSF, MF*Contact Office & Phone
No.*
DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, 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, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, 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 Nutrient Management Plans Approved

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

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>Application or Action</i>
Parx Casino and Racing 3001 Street Road Bensalem, PA 19021	Bucks	452.4	1500	Horses	NA	Approved

**PUBLIC WATER SUPPLY PERMITS
FINAL ACTIONS**

The Department of Environmental Protection (Department) has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing 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 decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

SAFE DRINKING WATER

Actions Taken Under Uhe Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1-721.17).

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

Permit No. 0910515	Public Water Supply
Applicant	Palisades School District 39 Thomas Free Drive Kitnersville, PA 18930
Township	Tinicum
County	Bucks
Type of Facility	PWS

Permit to Construct Issued	May 19, 2010
Permit No. 4610528	Public Water Supply
Applicant	Andorra Spring Water Company 2201 Barren Hill Road Conshohocken, PA 19428
Township	Whitemarsh
County	Montgomery
Type of Facility	PWS
Permit to Construct Issued	July 26, 2010
Permit No. 4610532	Public Water Supply
Applicant	Ambler Borough Water Department 122 East Butler Avenue Ambler, PA 19002-4476
Township	Upper Dublin
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Gilmore Associates 65 E. Butler Avenue Suite 100 New Britain, PA 18901
Permit to Construct Issued	August 23, 2010
Permit No. 1510517	Public Water Supply
Applicant	West Fallowfield Christian School 795 Fallowfield Road Atglen, PA 19310
Township	West Fallowfield
County	Chester
Type of Facility	PWS
Consulting Engineer	Whitehall Consultant Engineering 763 Conowingo Road Quarryville, PA 17566
Permit to Construct Issued	August 20, 2010
<i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110</i>	
Permit No. 0609510 MA, Minor Amendment,	Public Water Supply.

Applicant **E & Y Farm Apartments**
Municipality Richmond Township
County **Berks**
Responsible Official George Yialamas
300 Hill Rd.
Kutztown, PA 19530

Type of Facility Addition of a 13,900 gallon finished water storage tank. Demonstration of 4-Log Treatment of Viruses for GWR.

Consulting Engineer Hugh V Archer, P. E.
Mavickar Environmental Consultants
1240 N Mountain Road
Harrisburg, PA 17112-1788

Permit to Construct Issued: 9/16/2010

Permit No. 0110505 MA, Minor Amendment, Public Water Supply.

Applicant **East Berlin Area Joint Authority**
Municipality East Berlin Borough
County **Adams**
Responsible Official T Michael M Thoman, Operator
128 Water Street
East Berlin, PA 17316

Type of Facility Installation of additional chlorine contact piping and chlorine residual analyzers at Well Nos. 1, 2 & 4 and a chlorine analyzer at Well No. 5.

Consulting Engineer Bruce Hulshizer, P. E.
Buchart-Horn Inc.
445 West Philadelphia Street
York, PA 17401-3383

Permit to Construct Issued: 9/16/2010

Permit No. 2210508 MA, Minor Amendment, Public Water Supply.

Applicant **Gratz Borough Water Revenue Fund**
Municipality Gratz Borough
County **Dauphin**
Responsible Official Larry Shade,
President of Council
PO Box 305
Gratz, PA 17030

Type of Facility Installation of a new submersible pump in Well No. 1 and the repainting of the existing 100,000-gallons elevated storage tank.

Consulting Engineer N Peter Fleszar, P. E.
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct Issued: 9/15/2010

Operations Permit issued to: **York Springs Municipal Authority**, 7010030, Huntingdon Township, **Adams**

County on 9/10/2010 for the operation of facilities approved under Construction Permit No. 0108513.

Operations Permit issued to: **Mifflintown Municipal Authority**, 4340008, Mifflintown City, **Mifflin County** on 9/16/2010 for the operation of facilities approved under Construction Permit No. 3409501 MA.

Operations Permit issued to: **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 9/10/2010 for the operation of facilities approved under Construction Permit No. 6710511 MA.

Operations Permit issued to: **McCconnellsburg Borough Municipal Authority**, 4290005, Todd Township, **Fulton County** on 9/16/2010 for the operation of facilities approved under Construction Permit No. 2910501 MA.

Operations Permit issued to: **The Grier School**, 4310022, Warriors Mark Township, **Huntingdon County** on 9/7/2010 for the operation of facilities approved under Construction Permit No. 3110502 MA.

Operations Permit issued to: **Borough of Akron**, 7360128, Akron Borough, **Lancaster County** on 9/10/2010 for the operation of facilities approved under Construction Permit No. 3610531 MA.

Operations Permit issued to: **Liverpool Municipal Authority**, 7500014, Liverpool Borough, **Perry County** on 9/10/2010 for the operation of facilities approved under Construction Permit No. 5010504 MA.

Operations Permit issued to: **Bernville Borough Authority**, 3060085, Bernville Borough, **Berks County** on 9/16/2010 for the operation of facilities approved under Construction Permit No. 0610520 MA.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
[Township or Borough] Mt. Carmel Borough and Mt. Carmel Township
County **Northumberland**
Responsible Official Mr. Patrick R. Burke
Regional Manager of Northeast and Central Pennsylvania Aqua Pennsylvania, Inc.
1 Aqua Way
White Haven, PA 18661

Type of Facility Public Water Supply—Construction

Consulting Engineer Steven C. Roselle, P. E.
321 Washington Street
Huntingdon, PA 16652

Permit Issued Date September 15, 2010

Description of Action Construction of a new water transmission main.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**
[Township or Borough] South Centre Township
County **Columbia**

Responsible Official Mr. John Hollenbach
United Water Pennsylvania, Inc.
4211 East Park Circle
Harrisburg, PA 17111

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date September 17, 2010

Description of Action Operation of the recently
rehabilitated 200,000 gallon
Espy elevated finished water
storage tank.

Permit No. M.A. (1483501)—Construction Public
Water Supply.

Applicant **Howard Borough
Water System**

[Township or Borough] Howard Borough

County **Centre**

Responsible Official Andy Kotzur,
Chairman
Borough of Howard
P. O. Box 378
Howard, PA 16841

Type of Facility Public Water Supply—
Construction

Consulting Engineer Eric Lundy, P. E.
Nittany Engineering &
Assoc., Inc.
2836 Earlstown Road
Centre Hall, PA 16828

Permit Issued Date September 20, 2010

Description of Action Rehabilitation of Well #2.

Permit No. 1704501—Operation Public Water Sup-
ply.

Applicant **Houtzdale Municipal
Authority**

[Township or Borough] Gulich Township

County **Clearfield**

Responsible Official John Gallagher, Manager
Houtzdale Municipal Authority
561 Kirk Street
P. O. Box 97
Houtzdale, PA 16651

Type of Facility Public Water Supply—Operation

Consulting Engineer Jeffrey Garrigan, P. E.
Uni-Tec Consulting
Engineers, Inc.
2007 Cato Avenue
State College, PA 16801

Permit Issued Date September 21, 2010

Description of Action Modifications to the filtration
plant; Henderson booster pump
station; Henderson 413,000
gallon finished water storage
tank; distribution system
improvements; Moshannon
Creek surface water intake; raw
water transmission line; raw
water pump station and gas
chlorination facilities; and Well
14R.

Permit No. Minor Amendment—Operation Public
Water Supply.

Applicant **Houtzdale Municipal
Authority**

[Township or Borough] Rush Township

County **Centre**

Responsible Official John Gallagher, Manager
Houtzdale Municipal Authority
561 Kirk Street
P. O. Box 97
Houtzdale, PA 16651

Type of Facility Public Water Supply—Operation

Consulting Engineer Jeffrey Garrigan, P. E.
Uni-Tec Consulting
Engineers, Inc.
2007 Cato Avenue
State College, PA 16801

Permit Issued Date September 21, 2010

Description of Action Operation of the upper and lower
intakes on the Mountain Branch
of Moshannon Creek.

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

Operations Permit issued to: **Beaver Falls Muni-
cipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA
15010, (PWSID #5040012) Eastvale Borough, **Beaver
County** on September 3, 2010 for the operation of
facilities approved under Construction Permit # 0410503.

STORMWATER MANAGEMENT

**Action on plans submitted under the stormwater
management act of October 4, 1978 (32 P. S.,
Section 680.9)**

*Bureau of Watershed Management, P. O. Box 8775,
Harrisburg, Pennsylvania 17105-8775*

**The Act 167 Countywide Stormwater Management
Plan for Elk County**, submitted by **Elk County**, was
approved on September 16, 2010. This plan applies to all
watersheds and all areas within Elk County.

**The Act 167 Countywide Stormwater Management
Plan for Lycoming County**, submitted by **Lycoming
County**, was approved on September 16, 2010. This plan
applies to all watersheds and all areas within Lycoming
County.

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>
Hopewell Township	415 Three Square Hollow Road, Newburg, PA 17240	Cumberland

Plan Description: Approval of a revision to the Official
Sewage Plan of Hopewell Township, Cumberland County.
The Newburg-Hopewell Volunteer Fire Company proposes
the construction of a new firehouse and a future commu-

nity center to be served by municipal sewers. The proposal calls for a privately owned and maintained pump station and a 2" low pressure sewer extension along State Road 641 (Newville Road) to connect this development to existing sanitary sewer manhole 2. The ultimate proposed sewage flows will be 3,795 gallons per day (17 EDU's) to be treated at the Newburg-Hopewell Joint Authority's Wastewater Treatment Facility. The proposed development is located at the southeast intersection of State Road 641 (Newville Road) and State Road 4033 (Lovers Lane). The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (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 non-residential 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 shall 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Packerton Yards, Intersection of Packerton Hollow Road & Route 209, Mahoning Township, **Carbon**

County. James J. Koval, HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015 has submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report (on behalf of his client, Carbon County Office of Economic Development, P. O. Box 291, Jim Thorpe, PA 18229), concerning the remediation of soil found to have been impacted by lead, arsenic, selenium, and benzo (a) pyrene. The Remedial Investigation and Cleanup Plan sections of the combined report were submitted in partial fulfillment of the Site-Specific Standard for the Business Park area of the site, and the Final Report section of the combined report was submitted to document attainment of the Non-Residential Statewide Health Standard for the Greenspace area of the site. A public notice regarding the submission of the combined Remedial Investigation Report/Cleanup Plan/Final Report was published in *The Morning Call* on August 24, 2010 and August 26, 2010.

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

CNH America LLC, Union Township, **Mifflin County.** RMT, 2025 East Beltline Avenue, Suite 402, Grand Rapids, MI 49546, on behalf of CNH America, LLC, 700 State Street, Racine, WI 53404, submitted a Risk Assessment Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs and inorganics. The site is being remediated to the Site-Specific standard.

Former Lancaster Malleable Casting Company, Manheim Township, **Lancaster County.** Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Mac Land Company, 1350 Fruitville Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from underground storage tanks. The site will be remediated to the Residential Statewide Health standard.

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

UGI-PNG Williamsport Holder/Regulator Rose St. Station. City of Williamsport, **Lycoming County.** Stantec Consulting Services Inc., 400 Davis Dr., Suite 400, Plymouth Meeting, PA 19462 on behalf of UGI Utilities, Inc., PO Box 12677, Reading, PA 19612-2677 has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil contaminated with lead and benzo(a)pyrene and groundwater contaminated with benzene. The report is intended to document remediation of the site to meet the Site-specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Exxon Mobil Irwin Terminal (Former), North Huntingdon Township, **Westmoreland County.** Groundwater and Environmental Services, Inc. 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of ExxonMobil Environmental Services Company, 1545 Route 22 East, Room CCM09E, Annandale, NJ 088010 has submitted a Remedial Investigation Report / Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with leaded gasoline constituents. A Notice of Intent to Remediate was previously submitted on January 23, 2009. The report was published in the Pittsburgh Tribune-Review on September 8, 2010.

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—6026.908).

Provisions of 25 PA Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (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 non-residential 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 provisions of 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 provisions of 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 listed. 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.

Northgate, City of Lancaster, **Lancaster County**. GCI Environmental Services, Inc., 1250 East King Street, Lancaster, PA 17602-3236, on behalf of Lititz Properties,

LLC, 26 North Cedar Street, Lititz, PA 17543 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on September 13, 2010.

John Bucher Property, Lancaster City, **Lancaster County**. Jonathan Bucher, 427 North Mulberry Street, Lancaster, PA 17603 and Sue Snodgrass, 429 North Mulberry Street, Lancaster, PA 17603 submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil release during removal of an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 13, 2010

William and Rae Marie Sauerhoufer Residence, West Cocalico Township, **Lancaster County**. GemChem Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of William and Rae Marie Sauerhoufer, 315 South Ridge Road, Reinholds, PA 17569, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil from a ruptured supply line. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 15, 2010.

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

Ralph Moyle Inc. Accident. Hemlock Township, **Columbia County** Minuteman Spill Response, Inc., PO Box 10, Mifflinville, PA 18631 on behalf of Ralph Moyle, Ralph Moyle Trucking, PO Box 248, Mattawan, MI 47071 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 14, 2010.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Former Firth Sterling Steel Site, City of McKeesport, **Allegheny County**. Chester Engineers, 260 Airside Drive, Moon Township, PA 15108 on behalf of the Redevelopment Authority of Allegheny County has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals and PCB containing transformers. The Final Report was approved on September 14, 2010. An environmental covenant was executed between the Department and the Redevelopment Authority on September 14, 2010.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 100955. **Clinton County Solid Waste Authority**, Wayne Township Landfill, P. O. Box 209, SR1005 Landfill Lane, McElhattan, PA 17748, Wayne Township, **Clinton County**. The renewal and

expansion permit was issued for the Wayne Township Landfill by Northcentral Regional Office on September 14, 2010.

Persons interested in reviewing the permit may contact Lisa D. Houser, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service (800) 654-5984.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 100419. Veolia ES Chestnut Valley Landfill, Inc., 1184 McClellandtown Road, McClellandtown, PA 15458. Permit modification to revise the permit expiration date for Veolia ES Chestnut Valley Landfill, a municipal waste landfill located in German Township, **Fayette County**, was issued in the Regional Office on September 16, 2010.

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.

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

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

GP3-09-0095: Diamond Materials, LLC. (852 Swamp Road, Penns Park, PA 18943) on September 21, 2010, to operate a portable nonmetallic mineral processing plant in Wrightstown Township, **Bucks County**.

GP9-09-0025: Diamond Materials, LLC. (852 Swamp Road, Penns Park, PA 18943) on September 21, 2010, to operate diesel-fired internal combustion engines in Wrightstown Township, **Bucks County**.

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

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

39-310-043GP3: Terra Technical Services LLC (600 Brandywine Avenue, Downingtown, PA 19335) on September 7, 2010, to construct and operate a Portable Crushing Operation with watersprays at their site in Allentown, **Lehigh County**.

39-329-015GP9: Terra Technical Services LLC (600 Brandywine Avenue, Downingtown, PA 19335) on September 7, 2010, to install and operate a Diesel I/C engine at their site in Allentown, **Lehigh County**.

58-310-036GP3: Powers Stone, Inc. (RR 5, Box 124, Montrose, PA 18801) on September 16, 2010, to construct and operate a Portable Crushing Operation with watersprays at their site in Auburn Township, **Susquehanna County**.

58-329-026GP9: Powers Stone, Inc. (RR 5, Box 124, Montrose, PA 18801) on September 16, 2010, to install and operate a Diesel I/C engine at their site in Auburn Township, **Susquehanna 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-10-01: John. W. Gleim Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on September 16, 2010, to relocate a crusher, screen and two (2) conveyors to the Gleim shop facility on Sherwood Drive in Middlesex Township, **Cumberland County**.

GP11-21-GL-10-01: John. W. Gleim Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on September 16, 2010, to relocate two (2) non-road engines to their Gleim shop facility on Sherwood Drive in Middlesex Township, **Cumberland County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP9-33-172B: Original Fuels, Inc.—Grange Lime & Stone (PO Box 373, 883 Saint Jacob Church Road, Punxsutawney, PA 15767) on September 15, 2010, to operate Diesel or #2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) in Perry Township, **Jefferson County**.

GP5-42-222B: SM Energy Co.—Potato Creek 1H Compressor Station (48 White Hollow Road, Crosby, PA 16724) on September 15, 2010, to operate a natural gas fired compressor engine (Exterran Dehydrator), (BAQ-GPA/GP-5) in Norwich Township, **McKean County**.

GP5-42-222C: SM Energy Co.—Potato Creek 1H Compressor Station (48 White Hollow Road, Crosby, PA 16724), on September 15, 2010, to operate a natural gas fired compressor engine (Caterpillar Engine), (BAQ-GPA/GP-5) in Norwich Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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.

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

44-03015A: First Quality Baby Products, LLC (97 Locust Road, Lewistown, Pennsylvania 17044-9340) on September 14, 2010, to use VOC-containing cleaning agents for maintenance of production equipment at their baby products manufacturing facility in Granville Township, **Mifflin County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

24-083R: Carbone of America Industries Corp. (215 Stackpole Street, St. Marys, PA 15857) on September 9, 2010, to modify the plan approval 24-083M condition regarding testing of the electric furnace in St Marys City, **Elk County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13A and 127.32.

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

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

15-0115E: QVC, Inc. (1200 Wilson Drive-MC169, West Chester, PA 19380) On September 3, 2010, to operate a replacement generator in West Goshen Township, **Chester County**.

09-0186B: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Road, Fairless Hills, PA 19030) On September 3, 2010, to operate a bulk handling system in Falls Township, **Bucks County**.

15-0060E: SECCRA Landfill (P. O. Box 221, Kennett Square, PA 19348) On September 3, 2010, to operate an IC engine/generator in London Grove Township, **Chester County**.

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

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

06-05069N: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147, Lyon Station, Pennsylvania 19536) on September 15, 2010, to modify various sources at their assembly plant S-1 in Richmond Township, **Berks County**. The Plan Approval was extended.

Title V operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00044: Sunoco Partners Marketing and Terminals, LP—Marcus Hook (No. 2) Tank Farm (7 Commerce Road, Aston, PA 19014) on September 17, 2010, for renewal of the Title V Operating Permit which was initially issued on November 13, 1995 in Upper Chichester Township, **Delaware County**. The facility's main sources of emissions include twelve (12) internal floating roof and two (2) external floating roof tanks which store various petroleum products, a wastewater separator and fugitive emissions. The facility has the potential to emit more than 25 tons per year of VOC, and is therefore characterized as a Title V facility. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00051: Riddle Memorial Hospital (1068 West Baltimore Pike, Media, PA 19063) on September 17, 2010, for operation of a Hospital Waste Incinerator, three boilers and five emergency generators in Middletown Township, **Delaware County**. The permit is a renewal for a Title V facility. The facility is required to have a Title V Operating Permit under 40 CFR Part 60, 62.14480. This renewal of the Title V Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels.

The facility is also subject to the requirements of 40 CFR Part 60, Subpart Ce. The Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

06-05081: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, Pennsylvania 19512-7955) on September 14, 2010, to renew the Title V Operating Permit for the Rolling Hills Landfill in Earl Township, **Berks County**.

06-05007: Carpenter Technology Corp. (101 Bern Street, Reading, Pennsylvania 19601) on September 14, 2010, to renew the Title V Operating Permit for their specialty steel manufacturing facility in Reading City, **Berks County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

46-00127: Verizon Pennsylvania, Inc.—Fort Washington (1050 Virginia Drive, Fort Washington, PA 19034) On September 10, 2010, for a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00127, for two (2) emergency generators at their facility in **Montgomery County**. The permit was originally issued on September 16, 2004, and no changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00108: Bucks County Water & Sewer Authority—Totem Road Pump Station II (910 Haunted Lane, Bensalem, PA 19020) on September 15, 2010, for operation of a packed bed tower wet air scrubber to control odors from the sanitary sewage pump station in Bensalem Township, **Bucks County**. The system will emit 0.048 ton of hydrogen sulfide per year. The permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00081: Johnson Matthey, Inc. (1401 King Road, West Chester, PA 19380) On September 15, 2010, for renewal of a State Only Operating Permit for their facility in West Whiteland, **Chester County**. The facility's main sources include a metal melt room, a coated wire room (electroplating process), an acid metal-stripping room, two vertical packed tower scrubbers (chlorine scrubbers) and two vertical wet scrubbers (nitric scrubbers). The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The facility is a minor source of hazardous air pollutants. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

48-00077: Falk Funeral Homes & Crematory, Inc. (1418 Main Street, Hellertown, PA 18055-1325) on September 14, 2010, to operate funeral services and a human crematory in Hellertown Borough, **Northampton 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

06-03104: Bean Funeral Homes & Cremation Service, Inc. (129 East Lancaster Avenue, Shillington, Pennsylvania 19607-2613) on September 16, 2010, for the human crematory at their funeral home in Sinking Spring Borough, **Berks County**. This is a renewal of the State Only Operating permit.

21-05042: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, Pennsylvania 17104-1645) on September 14, 2010 for the aggregate, asphalt, and concrete production operations at the Silver Spring Quarry in Silver Spring Township, **Cumberland County**. This is a renewal of the State Only Operating permit.

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

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

06-03104: Bean Funeral Homes & Cremation Service, Inc. (129 East Lancaster Avenue, Shillington, Pennsylvania 19607-2613) on September 16, 2010, to renew of the State Only Operating permit for the human crematory at their funeral home in Sinking Spring Borough, **Berks County**. This is a renewal of the State Only Operating permit.

21-05042: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, Pennsylvania 17104-1645) on September 14, 2010, for the aggregate, asphalt, and concrete production operations at the Silver Spring Quarry in Silver Spring Township, **Cumberland County**. This is a renewal of the State Only Operating permit.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

16-00141: Kahles Kitchens, Inc.—Leeper (P. O. Box 168, 7488 Route 36, Leeper, PA 16233), on September 14, 2010, to issue a Natural Minor Operating Permit to operate a wooden kitchen cabinet manufacturing facility, in Farmington Township, **Clarion County**. The facility's primary emission sources are the five (5) surface coating spray booths. The emissions of criteria pollutants from this facility are below major source levels.

25-00268: Erie Commerce Millcreek—Steris Corp. (PO Box 179, ERIE, PA 16512) on September 14, 2010,

issued a renewal of the Natural Minor Operating Permit for the manufacturing of sterilizing equipment in the City of Erie, **Erie County**.

25-00938: Safety Kleen Systems, Inc. (1606 Pittsburgh Avenue, Erie, PA 16505) on September 14, 2010, issued a renewal of the Natural Minor Operating Permit for the Erie facility in the City of Erie, **Erie County**.

25-00943: Serv-All Concrete (PO Box 179, Erie, PA 16512), on September 14, 2010, issued a renewal of the Natural Minor Operating Permit is for the Erie Blue Batch Plant in the City of Erie, **Erie County**.

43-00326: Buckeye Leasing, Inc.—City Slag Quarry Plant (300 Ohio Street Extension, Hermitage, PA 16148) on September 15, 2010, to reissue a Natural Minor Permit to operate a non-metallic mineral processing plant at Hermitage, **Mercer County**. The significant sources are slag processing operations and diesel generator. The facility is natural minor because the emissions of the pollutants from the facility are less than the Title V threshold limits.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

67-05102: Heritage Operating, L.P. (149 Bowman Road, York, Pennsylvania 17408-8792) on September 13, 2010, to administratively amend a change of ownership for their automated propane cylinder filling facility in Jackson Township, **York County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 such applications will also address the application permitting requirements of the following statutes; the Air Quality 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).

Coal Permits Actions

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

56040101 and NPDES Permit No. PA0249556. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552-0157, revision of an existing bituminous surface mine Black Township, **Somerset County**, affecting 52.0

acres. Receiving stream(s): Rhoads Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 16, 2010. Permit issued: September 13, 2010.

11070101 and NPDES No. PA0262285. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from RJ Coal Company, P. O. Box 277, LaJose, PA 15753, located in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving stream(s): Chest Creek; Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2010. Permit issued: September 7, 2010.

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

65970105 and NPDES Permit No. PA0202053. Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701). Permit renewal issued for reclamation only of a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 146.0 acres. Receiving streams: unnamed tributaries to Union Run, Union Run to Loyalhanna Creek, to Conemaugh River. Application received: May 14, 2010. Reclamation-only renewal issued: September 13, 2010.

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

13890201R4 and NPDES Permit No. PA0594580. Panther Creek Partners, (1001 Industrial Road, Nesquehoning, PA 18240), renewal of an existing anthracite coal refuse reprocessing operation in Nesquehoning Borough, **Carbon County** affecting 428.0 acres, receiving stream: First Hollow Run and Nesquehoning Creek. Application received: November 30, 2009. Renewal issued: September 17, 2010.

35763202R5. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Carbondale Township, **Lackawanna County** affecting 45.0 acres, receiving stream: none. Application received: January 15, 2010. Renewal issued: September 17, 2010.

54040203R. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 42.1 acres, receiving stream: none. Application received: October 26, 2009. Renewal issued: September 20, 2010.

54-305-002GP12R. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), renewal of the general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54040203R in Mahanoy Township, **Schuylkill County**. Application received: October 26, 2009. Renewal issued: September 20, 2010.

Noncoal Applications Returned

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

38072802. Norman R. Eyer, 2196 Letterkenny Road, Chambersburg, PA 17201, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Conococheague. Permit received: May 21, 2007. Permit returned: September 16, 2010.

Noncoal Permits Actions

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

25090803. Martin & Beverly A. Duran (5399 Route 97, Waterford, PA 16441-4407) Final bond release for a small noncoal mining operation in Venango Township, **Erie County**. Restoration of 5.0 acres completed. Receiving streams: Unnamed tributary to Lake Pleasant Outlet. Application received: July 27, 2010. Final bond release approved: September 2, 2010.

42082807. Bradley A. Greenman (15 Lower Grimes, Port Allegany, PA 16743) Final bond release for a small noncoal mining operation in Liberty Township, **McKean County**. Restoration of 4.5 acres completed. Receiving streams: Unnamed tributary to Allegheny River. Application received: August 13, 2010. Final bond release approved: September 3, 2010.

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

14050301 and NPDES No. PA0256161. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Commencement, operation and restoration of a large surface non-coal mine (limestone) located in Spring Township, **Centre County** affecting 39.0 acres. Treated stormwater discharges will be directed to the White Rock Sink. There is no direct discharge to a stream. Application received: January 10, 2005. Permit issued: September 10, 2010.

08050810. Walter W. Parkhurst, (RR1, Box 266AA, Rome, PA 18837), noncoal mining operation (flagstone) located in Orwell Township, **Bradford County**. Restoration of 1.0 acre completed. Application received: June 28, 2010. Final bond release: September 10, 2010.

08980301. Wysox Sand & Gravel, Inc. (P. O. Box 128, Wysox, PA 18854). Renewal of the NPDES Permit. There are no discharges from this sand and gravel operation located in Asylum Township, **Bradford County**. Application received: May 27, 2010. NPDES permit expires: October 29, 2013.

08910302 and NPDES No. PA0206822. Bishop Brothers Construction, Inc. (P. O. Box 289, Ulster, PA 18850). Renewal of the NPDES Permit for another five year term. There are no discharges from this sand and gravel operation in Sheshequin Township, **Bradford County**. Application received: May 10, 2010. NPDES permit expires: April 22, 2013.

4977SM4 and NPDES No. PA0220604. Daggett Sand & Gravel, Inc. (8056 Route 549, Millerton, PA 16936). Renewal of the NPDES Permit for another five year term for discharges of treated mine drainage from a quarry operation in Jackson Township, **Tioga County**. Receiving streams: Seeley Creek classified for Cold Water Fishery and an unnamed tributary to the Chemung River classified for Warm Water Fishery. Application received: May 26, 2010. NPDES permit expires: September 16, 2012.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

26104010. Black Rock Coal Co. (1107 University Drive, Dunbar, PA 15431). Blasting activity permit for the construction of the Fayette County Business Park, Phase 4, located in South Union Township, **Fayette County**. The duration of blasting is expected to last six months. Blasting permit issued: September 15, 2010.

26104011. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for the construction of the Ferens Atlas Resources Well, located in Dunbar Township, **Fayette County**. The duration of blasting is expected to last 15 days. Blasting permit issued: September 15, 2010.

63104005. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 49744). Blasting activity permit for seismic drilling at the RRC Line 22 and 23, located in Buffalo, Deemston and E. Bethlehem Townships, **Washington County**. The duration of blasting is expected to last five months. Blasting permit issued: September 15, 2010.

30104006. Alex E. Paris Construction Co. (P. O. Box 369, Atlasburg, PA 15004). Blasting activity permit for the construction of the CNX Gas Site NV-16, located in Morris Township, **Greene County**. The duration of blasting is expected to last one year. Blasting permit issued: September 15, 2010.

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

42104015. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 49744) Blasting Activity Permit for seismic exploration in Liberty Township, **McKean County**. This blasting activity permit will expire on December 30, 2010. Application received: September 10, 2010. Permit Issued: September 16, 2010.

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

08104020. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Blasting at the North Orwell Quarry located in Windham Township, **Bradford County**. Permit issued: September 8, 2010. Permit expires: August 31, 2011.

08104021. John Brainard (3978 SR-2023, Kingsley, PA 18826). Blasting for a well pad located in Wysox Township, **Bradford County**. Permit issued: September 16, 2010. Permit expires: July 31, 2011.

08104118. Meshoppen Blasting, Inc. (P. O. Box 17, Frantz Road, Meshoppen, PA 18630). Blasting for a well site located in Smithfield Township, **Bradford County**. Permit issued: September 7, 2010. Permit expires September 30, 2010.

08104119. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Blasting for a well pad located in Pike Township, **Bradford County**. Permit issued: September 7, 2010. Permit expires: August 31, 2011.

08104120. Midstream Explosives, LLC (289 Southside Drive, Newville, PA 17241). Blasting for a pipeline located in Wyalusing and Tuscarora Townships, **Bradford County**. Permit issued: September 7, 2010. Permit expires: October 1, 2011.

08104121. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Blasting for a compressor station/pipeline located in Tuscarora Township, **Bradford County**. Permit issued: September 13, 2010. Permit expires: September 30, 2011.

08104122. Austin Powder Northeast LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a gas well pad located in Asylum Township, **Bradford County**. Permit issued: September 8, 2010. Permit expires: September 7, 2011.

08104123. Austin Powder Northeast LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a gas well pad located in New Albany Boro, **Bradford County**. Permit issued: September 10, 2011. Permit expires: September 9, 2011.

14104008. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for the Weis Market Store site development located in Spring Township, **Centre County**. Permit issued: September 8, 2010. Permit expires: September 1, 2011.

41104006. Pennsylvania General Energy Co., LLC (120 Market St, Warren, PA 16365). Blasting for a stone pit for roads on site and drill pad located in Cummings Township, **Lycoming County**. Permit issued: September 10, 2011. Permit expires: July 1, 2011.

41104106. Midstream Explosives, Inc. (289 Southside Drive, Newville, PA 17241). Blasting for a pipeline located in Penn and Franklin Townships, **Lycoming County**. Permit issued: September 7, 2010. Permit expires: October 1, 2011.

41104107. Midstream Explosives, LLC (289 Southside Drive, Newville, PA 17241). Blasting for a pipeline located in Shrewsbury Township, **Lycoming County**. Permit issued: September 20, 2010. Permit expires October 1, 2011.

53104007. Pennsylvania General Energy Co., LLC (120 Market St., Warren, PA 16365). Blasting for a stone pit for roads on site and drill pad located in Pleasant Valley Township, **Potter County**. Permit issued: September 10, 2010. Permit expires: July 1, 2011.

53104101. Kesko, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting on a shale pit located in Ulysses Township, **Potter County**. Permit issued: September 13, 2010. Permit expires: March 8, 2011.

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

38104114. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Dan Brubaker manure pit in Millcreek Township, **Lebanon County** with an expiration date of October 20, 2010. Permit issued: September 14, 2010.

45104121. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Castle Rock Acres in Middle Smithfield Township, **Monroe County** with an expiration date of September 30, 2011. Permit issued: September 14, 2010.

48104109. Austin Powder Northeast, LLC, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Woodridge Falls 3 in Palmer Township, **Northampton County** with an expiration date of March 28, 2011. Permit issued: September 14, 2010.

40104003. Bernard J. Hasara Drilling & Blasting, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Eagle Rock Resorts in Hazle, Black Creek, North Union and East Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of September 1, 2011. Permit issued: September 15, 2010.

40104004. Bernard J. Hasara Drilling & Blasting, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for the Greater Hazleton Sewer Authority Flocculation Tank & Vortex Separator in West Hazleton Borough, **Luzerne County** with an expiration date of September 15, 2011. Permit issued: September 17, 2010.

58104040. John Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Baker Well Pad in Forest Lake Township, **Susquehanna County** with an expiration date of July 31, 2011. Permit issued: September 17, 2010.

09104114. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Plumstead Chase in Plumstead Township, **Bucks County** with an expiration date of September 10, 2011. Permit issued: September 17, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection 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 of Environmental Protection has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301-303, 306 and 307 of the FWPCA 33 U.S.C. §§ 1311-1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P. S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD. IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS NOTICE TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (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 Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-554. Stroud Township Supervisors, 1211 North 5th Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain a 36-inch diameter corrugated plastic stormwater outfall pipe with a concrete headwall and a 75-foot long × 15-foot wide R-7 riprap apron in the floodway of Pocono Creek (HQ-CWF, MF) for the purpose of discharging stormwater from a 17-lot subdivision. The project is located on the south side of Park Street, approximately 0.3 miles north of the intersection of I-80 and U.S. Route 209 (West Main Street) (Stroudsburg, PA Quadrangle Latitude: 40°59'12.12"; Longitude: -75°12'39.97"). Subbasin: 1E.

E45-516. Jeffrey W. Warmke, 20 Lombardi Street, Edison, NJ 08820. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-foot by 12-foot boat dock in Hemlock Pond and to place fill in a de minimus area of PFO wetlands (EV) equal to 0.03 acre for the construction and maintenance of a residential driveway, a sand beach area and a mulch walking path. The project is located on Lot 8, Unit 5, Section 4 of the Lake Naomi Subdivision (Pocono Pines, PA Quadrangle Latitude: 41°7'8.6"; Longitude: -75°26'58.2"). Subbasin: 2A.

E45-555. Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18360. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry hydrant in an unnamed pond on a tributary to Kettle Creek (HQ-CWF). The project is located on the south side of Running Valley Road approximately 1.30 miles southwest from its intersection with State Route 611 (Saylorsburg, PA Quadrangle Latitude: 40°59'24.2"; Longitude: -75°17'39"). Subbasin: 1E.

E52-221. Municipal Authority of Westfall Township, 155 Westfall Town Drive Matamoras, PA 18336. Westfall Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain sewage pump station in the floodplain of the Delaware River (WWF, MF). The project is located on the south side of Mountain Avenue approximately 0.2 mile west of its intersection with US Route 6 (Port Jervis South, PA Quadrangle Latitude: 41°21'31.8"; Longitude: -74°43'0.10"). Subbasin: 1D.

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

E05-354: Hyndman Borough Municipal Authority, 155 Clarence Street, Hyndman, PA 15545-0445, Hyndman Wastewater Treatment Plant Upgrades, Hyndman Borough, **Bedford County**, ACOE Baltimore District.

To perform improvements to an existing wastewater treatment plant, which consist of construction and maintenance of the following: (1) two SBR tanks approximately 39.0 feet diameter having a height of 20.0 feet; (2) two existing digester tanks modified to approximately 40.0 feet by 20.0 feet and having a height of 14.0 feet, with the tanks almost entirely below the proposed grade; (3) a UV unit approximately 22.0 feet by 3.0 feet having a height of 13 feet; (4) a wet well pump station approximately 10.0 feet by 10.0 feet and having a height of 3.5 feet above the proposed grade and associated grading in the 100-year floodplain of Wills Creek (CWF, MF). The wastewater treatment plant is located along the north-westerly bank of Wills Creek (CWF, MF) (Hyndman, PA Quadrangle, N: 11.28 inches, W: 12.89 inches, Latitude: 39°48'43.7", Longitude: 78°43'0.4") in the Hyndman Borough, Bedford County.

E34-127: Buttonwood Campground, P. O. Box 223 River Road, Mexico, PA 17056, Walker Township, **Juniata County**, ACOE Baltimore District

To regrade the stream bank and floodway along 1,400 feet of the left bank of the Juniata River (WWF, MF), for the purposes of improving campsites and the aesthetic value of the Juniata River at the existing Buttonwood Campground. The project is located approximately 500 feet southwest of the intersection of T380 and Front Street (Mexico, PA Quadrangle, N: 6.1 inches, W: 3.1 inches; Latitude: 40° 32' 2.5" N, Longitude: 77° 21' 15.5" W) in Walker Township, Juniata County. No wetlands will be impacted by this project.

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

E41-606. Robert Wingrove, 738 E. Macada Road, Bethlehem, PA 18017-2534. Water Obstruction and Encroachment Joint Permit, in Cummings Township, **Lycoming County**, ACOE Susquehanna River Basin District (Waterville, PA Quadrangle N: 41° 18' 27"; W: 77° 21' 43").

To construct and maintain a residential structure, measuring 43 feet long and 21 feet 10 inches wide, within the floodway of Pine Creek (HQ-CWF). This project will impact 939 square feet of the floodway associated with the Pine Creek, which is designated an High Quality-Cold Water Fishery and impact 0.0 acres jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E60-206. Lewisburg Area Recreation Authority, 629 Fairground Road, Lewisburg, PA 17837-8885. Lewisburg Area Recreation Park, in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 40°57'50"; W: 76°53'54").

To construct and maintain a public park consisting of: 1) three 12-inch diameter 74-foot long driveway culverts for stormwater, 2) 1,400 square feet of pervious asphalt parking area and the associated 8-foot wide concrete sidewalk, 3) a 250 square foot restroom facility, 4) a 52-foot by 46-foot concrete at-grade concrete pad for a 4-post permanent open-sided shade tent structure, 5) 1,128 linear feet of 8-foot wide asphalt and gravel at-grade walking trails, 6) concrete pads for a) 42-foot by 36-foot outdoor fitness equipment pad, b) trash receptacles, bike racks, water fountains, benches, identification signs, concrete bollards & picnic areas, 7) stormwater collection / bio-swale treatment system and the associated outlets into the existing riparian man-made wetland system, 8) landscape plantings, 9) underground utilities, 10) balanced cut and fill earthwork, in the left 100-year floodplain of Limestone Run, northwest of the 15th Street bridge over Limestone Run. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1631. Sheetz, Inc., 817 Brookfield Drive, Seven Fields, PA 16046. To construct pre-fabricated, open bottomed concrete culvert in Ross Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle: N: 2.8", W: 1.3"; Latitude: 40° 30' 55.6"; Longitude: 80° 00' 33.4"). To construct and maintain a pre-fabricated, open bottomed concrete culvert with a span of approximately 30' a width of approximately 40' and an underclearance of 7', to place and maintain approximately 50' of rip-rap stream bank protection, and to construct and maintain two utility line stream crossings, to construct and maintain an outfall structure, to remove an existing bridge, wing wall and retaining wall and overhead electric lines in and along Girty's Run (WWF), for the purpose of constructing a convenience store.

E02-1638. John W. Annesi, 1131 McLaughlin Road, Bridgeville, PA 15017-2532. To construct a carport on the left bank of McLaughlin Run in Bridgeville Borough, **Allegheny County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle: N: 18.7 inches; W: 14.1 inches; Latitude: 40° 21'11"; Longitude: 80° 06'04"). To construct and maintain a car port approximately 26.0 feet long x 18.0 feet wide x 11.0 feet high on the left bank of McLaughlin Run (WWF) for the purpose of storing applicant's cars. The project is located on the north side of McLaughlin Run Road, approximately 300.0 feet east from the intersection of McLaughlin Run Road and Coolidge Street.

DAM SAFETY

95-7-60915-12

Name of applicant: Range Resources—

Appalachia LLC

Address: 380 Southpointe Blvd., Suite 300,

Canonsburg, PA 15317

Twp/Boro: Cecil Twp

County: Washington

ACOE: Pittsburgh

Quadrangle: Midway

N: 40° 18' 1.46"; W: 80° 13' 48.4"

Chapter 93 Type : N/A

Southwest Regional Oil and Gas Manager. 400 Waterfront Drive, Pittsburgh, PA 15222-4745

95-7-60915-9. Range Resources—Appalachia LLC, 380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317. Project proposes to operate and maintain the

Worstell Impoundment Dam as a centralized impoundment to collect and store flow-back water and fresh water, for the use and re-use of hydraulic fracturing water, from the Worstell Unit Well (# 1H, 2H, 3H, 4H, 5H, 7H), Troyer/Space Management Unit Well (1H, 2H, 3H, 4H, 9H, 10H, 11H), Engel Unit Well (3H, 4H, 5H) and future wells in the area (PA Quadrangle; Canonsburg, Latitude: N 40° 18' 1.46", Longitude: W 80° 13' 48.4"), Cecil Township, **Washington County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permit(s) have been issued.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P. S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice

in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
42 10 801	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston TX 77002	McKean	Sergeant Township	UNT Redmill Brook CWF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

THE FOLLOWING STORAGE TANK SITE-SPECIFIC INSTALLATION PERMITS, UNDER THE AUTHORITY OF THE STORAGE TANK SPILL PREVENTION ACT (35 P. S. §§ 6021.304, 504, 1101-1102) AND UNDER 25 PA CODE CHAPTER 245, SUBCHAPTER C, HAVE BEEN ISSUED BY THE BUREAU OF WASTE MANAGEMENT, DIRECTOR, PO BOX 8763, HARRISBURG, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-23-010	Evonik DeGussa Corporation 1200 West Front Street Chester, PA 19013 Attn: Mr. Chris Dumont	Delaware	City of Chester	1 AST storing sulfuric acid	30,000 gallons

SPECIAL NOTICES

Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grants

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northeast	Carbon County	Carbon County	Plan Revision	\$42,863
	Lehigh County	Lehigh County	Plan Revision	\$89,600
	Northampton County	Northampton County	Plan Revision	\$63,604
	Pike County	Pike County	Plan Revision	\$42,628
	Susquehanna County	Susquehanna County	Plan Revision	\$37,351
	Wayne County	Wayne County	Plan Revision	\$43,748
Southcentral	Cumberland County	Cumberland County	Plan Revision	\$87,178
Northcentral	Bradford County	Bradford County	Plan Revision	\$74,000
Southwest	Cambria County	Cambria County	Plan Revision	\$63,565
	Beaver County	Beaver County	Plan Revision	\$80,470

[Pa.B. Doc. No. 10-1881. Filed for public inspection October 1, 2010, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-3120-106. Title: Guidance for Filter Plant Performance Evaluations. Description: This document contains the guidance and procedures developed to direct and support staff implementation of the requirements for the surface water treatment rule under the drinking water management programs. Changes to the existing guidance document include minor text revisions throughout and a major addition of specific guidelines for Filter Plant Performance Evaluations (FPPE's) conducted at water plants utilizing Membrane Filtration Technologies. New attachments within the document include examples of membrane performance data in graphical presentations and a list of membrane technology terms with definitions. The Membrane Filtration information was included in order to assist staff with evaluating membrane filtration

processes. In recent years, more and more Pennsylvania drinking water plants have begun utilizing Membrane Filtration Technology as their primary water filtration process. DEP is anticipating even more drinking water plants statewide to use this technology as their filtration process, in either future installations or existing plant upgrades. Comments: The Department is seeking comments on draft technical guidance No. 383-3120-106. Interested persons may submit written comments on this draft technical guidance document by November 1, 2010. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to: Kurt Smith, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Operations, Monitoring and Training, Rachel Carson State Office Building—11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467 or kurtsmith@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Kurt Smith at (717) 783-5121 or kurtsmith@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Final Technical Guidance—Substantive Revision

DEP ID: 563-2111-115. Title: Borrow Pits for Oil and Gas Well Development Activities. Description: This guidance addresses the extraction of fill material for oil and gas well development sites in accordance with the Noncoal Surface Mining Conservation and Reclamation Act and the Oil and Gas Act. The notice of availability of the proposed guidance was published May 1, 2010, with a 30-day comment period. No comments were received. The guidance has been finalized as proposed. Contact: Questions regarding this technical guidance document should be directed to William S. Allen, Jr. at (717) 783-9580 or wallen@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1882. Filed for public inspection October 1, 2010, 9:00 a.m.]

Bid Opportunity

OSM 16(6738)101.1, Abandoned Mine Reclamation Project, Anderson Run Headwaters East, Piney Township, Clarion County. The principal items of work and approximate quantities include implementation of the erosion and sediment pollution control plan; removal of disposal solid waste; grading; channel excavation; erosion matting; permanent ponds; subsurface drain; and seeding. This bid issues October 8, 2010, and bids will be opened on November 4, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1883. Filed for public inspection October 1, 2010, 9:00 a.m.]

Notice of Listing on the Pennsylvania Priority List of Hazardous Sites for Remedial Response; Hazardous Sites Cleanup Act

Currie Landfill Site, Millcreek Township, Erie County

1. Background

The Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of sites in this Commonwealth that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA (35 P.S. § 6020.502) requires that the Department of Environmental Protection (Department) publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants, which present a substantial threat to the public health, safety and environment. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS) (40 CFR Part 300, Appendix A), established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C.A. §§ 9601—9675), is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under the statute.

The HRS was developed by the United States Environmental Protection Agency (EPA) as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological or environmental damage. It is the principal mechanism for placing a site on the National Priorities List, the list of priority releases for long-term remedial evaluation and response under CERCLA. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater; surface water; air; and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

(1) Factors that indicate the presence or likelihood of a release to the environment.

(2) Factors that indicate the nature and quantity of the substances presenting the potential threat.

(3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites that need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

3. Technical Evaluation Grants under HSCA

Under section 510 of HSCA (35 P.S. § 6020.510), the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department's regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the

proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

Pennsylvania Priority List of Hazardous Sites for Remedial Response

A. Effective Date

The site listed is being placed on the PAPL effective upon publication of this announcement in the *Pennsylvania Bulletin*.

B. Contact Persons

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

C. Statutory Authority

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law) and section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), nor shall it confer a right or duty upon the Department or any person.

D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the site being added with this publication. Comments concerning the placement of the Currie Landfill Site (Site) on the PAPL should be directed to Christopher Saber, Environmental Cleanup Program, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, csaber@state.pa.us. Comments received by facsimile will not be accepted. Public comments must be received by the Department by November 1, 2010.

The regional office Site file contains the information considered by the Department in placing the Site on the PAPL. Persons interested in reviewing the Site file should contact the Northwest Regional Office at (814) 332-6945. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

All written comments and the Department's responses will be placed into the Site file and will later be incorporated into the Administrative Record.

E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice, its HRS score,

municipality, county and Department region. Table 2 lists the nine sites currently on the PAPL, including the site added by this notice. The HRS score, municipality, county and Department region for each site are contained in this table. The sites are listed in decreasing order of HRS score.

F. Site Listing Summary

Currie Landfill Site

The Site is located in Millcreek Township, Erie County. The Site is situated in an urban area surrounded by industrial and commercial properties and consists of three parcels of property totaling approximately 32.5 acres. Currently, UPS Freight owns an 8.3-acre parcel and the Erie Drive In Theatre Corporation owns the other two parcels that comprise a total of 24.2 acres. The UPS Freight facility is currently active, and the Erie Drive In Theatre Corporation property is undeveloped and not active. The West Branch of Cascade Creek, a Warm Water Fishery, flows north through the site and drains into Cascade Creek, which empties into Presque Isle Bay, located approximately 2 miles northeast of the Site. The Site was formerly used as a landfill for an undetermined period between 1950 and the 1960s. Waste present at the site consists of a 6- to 12-foot heterogeneous mixture of municipal, residual and industrial wastes and soil. The landfill is estimated to contain approximately 260,000 cubic yards of waste including plastic, paper, construction debris, metal, rubber, slag and foundry sands. Site related contaminants are present in soils, groundwater, surface water and sediments. There is potential for the release of volatile contaminants to the air.

A prompt interim response was conducted at the Site from September 7, 2004, to January 19, 2005. A total of 205 drums were located and investigated. Of those 205 drums, 126 were empty, and the remaining drums were segregated and consolidated into 13 drums including 1 drum of hazardous waste liquid. The drummed waste was shipped offsite and disposed of at an approved waste disposal facility. To date, no enforcement actions have been taken and no responsible party has indicated that they are willing and able to conduct a remedial response at the site.

G. Additional Information

Currie Landfill Site

The Department of Environmental Protection, Northwest Regional Office, Eric Gustafson, Environmental Cleanup Program Manager; Gary Mechtly, Chief, Hazardous Sites Cleanup Program; Christopher Saber, Project Manager, 230 Chestnut Street, Meadville, PA 16335.

Table 1
Sites Being Added by this Notice

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Currie Landfill	26.73	Millcreek Township	Erie	Northwest

Table 2
Pennsylvania Priority List for Remedial Response

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
Intercourse TCE	50	Leacock Township	Lancaster	Southcentral

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Tomstown TCE	50	Quincy Township	Franklin	Southcentral
Bishop Tube	40.79	East Whiteland Township	Chester	Southeast
Chem Fab HSCA Site	39	Doylestown Borough and Township	Bucks	Southeast
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler, Armstrong	Northwest
Currie Landfill	26.73	Millcreek Township	Erie	Northwest
Schiller	24.65	Richmond Township	Crawford	Northwest
Mun. and Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1884. Filed for public inspection October 1, 2010, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). This action was taken under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing 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 and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

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, (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 this certification or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P.O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

The following proposals have been certified by the Department. The certification of these proposals is considered a final action of the Department.

Bedford County—Park the Plow Project coordinated by the Capital Resource Conservation and Development (RC&D) Area Council, Inc. (401 East Louthier Street, Suite 307, Carlisle, PA 17013). This certification is applicable to the nutrient reductions generated from the no-till planted corn and cover crop plantings following corn harvest. This certification includes a verification plan, and authorizes the generation of nitrogen credits. Notice of the proposal for this certification was published for comment at 40 Pa.B. 755 (February 6, 2010).

TeamAg, Inc. on behalf of Brubaker Farms (120 Lake Street, Ephrata, PA 17522). This certification is applicable to the nutrient reductions generated from the no-till planted corn and cover crop plantings. This certification includes a verification plan, and authorizes the generation of nitrogen credits. Notice of the proposal for this certification was published for comment at 40 Pa.B. 2490 (May 8, 2010).

Lycoming County Conservation District (542 County Farm Road, Suite 202, Montoursville, PA 17754). This certification is applicable to the nutrient reductions generated by installing best management practices (BMPs) that include riparian buffer, off-stream watering with streambank fencing and rotation grazing with Cli-

ent's MuCFrT001, LcCCoT0002, LaCCoT0001 and LyCLyT001. This certification includes a verification plan, and authorizes the generation of nitrogen credits. Notice of these proposals for certification was published for comment at 40 Pa.B. 1124 (February 27, 2010).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1885. Filed for public inspection October 1, 2010, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Proposal

The Department of Environmental Protection (Department) provides notice of the following proposal that has been submitted under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). This proposal was submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing 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 and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The proposal described in this notice relates to submitted proposals through September 17, 2010.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the credit or offset proposal must be approved; (2) it must be verified; and (3) it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a nutrient reduction activity to generate credits. Certifications are based on at least: (1) a credit proposal describing the qualifying nutrient reduction activity that will

reduce the nutrient 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 nutrient reduction activity has taken place. The proposals described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits are certified, they must be verified in order to be applied towards an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in a certification, as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be used to meet effluent limits in an NPDES permit. Registration occurs only after credits have been certified, verified and a contract has been submitted. For the Chesapeake Bay Watershed, the Department will register credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department will provide the credits with an annual registry number for reporting and tracking purposes.

Proposals

The following new proposal is being reviewed by the Department. The Department will accept written comments on these proposed projects for 30 days.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
Berwick Area Joint Sewer Authority	Nitrogen and phosphorous credits generated by the operation of the wastewater treatment plant.

For further information about these proposals or the Trading Program, or to submit comments, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1886. Filed for public inspection October 1, 2010, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Registration

The Department of Environmental Protection (Department) provides notice of the following credit registration recorded under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). The request for registration was submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing 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 and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

This notice relates to the registration of credits through September 17, 2010. For background information related these credits, see the Department's certification published at 38 Pa.B. 1887 (April 19, 2008).

The Department has registered the following credits.

<i>Generator</i>	<i>Location of Use</i>	<i>Credits Registered</i>	<i>Credit Generating Activity</i>	<i>Compliance Year</i>
Red Barn Trading Company, LLC	PPL—Brunner Island Power Plant York Haven, PA	10,869 Nitrogen and 1,359 Phosphorous	Poultry manure export out of Chesapeake Bay Watershed	October 2009— September 2010

For further information about this registration or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1887. Filed for public inspection October 1, 2010, 9:00 a.m.]

Small Business Advantage Grant Program; Opportunity

The Department of Environmental Protection (Department), Office of Energy and Technology Deployment announces an opportunity to apply for the 2010-2011 Small Business Advantage Grant program for pollution prevention and energy efficiency projects. The program provides up to 50% matching grants, to a maximum of \$7,500, to enable small businesses in this Commonwealth to adopt or acquire energy efficient or pollution prevention equipment or processes. Well-designed energy efficient or pollution prevention projects can help small businesses cut costs and reduce the risk of potential regulatory problems, while simultaneously protecting the environment.

An eligible applicant must be a for-profit small business owner whose business or facility is located within the Commonwealth. All small businesses in this Commonwealth are eligible, including manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's facility in this Commonwealth and save the business at least 10% annually in energy or pollution related expenses.

For questions or concerns regarding the eligibility of the project, contact Dave Barnes, Office of Energy and Technology Deployment, Small Business Ombudsman's Office at (717) 783-8411 or at epadvantagegrant@state.pa.us before submitting an application the Department will begin accepting applications on October 4, 2010.

Applications must be postmarked or hand delivered by 4 p.m. on November 5, 2010. Faxes or other electronic submissions will not be accepted.

The application package including guidance, instructions and application forms is available electronically on the Department's web site at <http://www.dep.state.pa.us>, key word "Small Business Advantage." The application package is also available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1888. Filed for public inspection October 1, 2010, 9:00 a.m.]

Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the streams listed to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
South Branch Roaring Creek—Basin, from source to T 309/Monroe Road	Columbia, Montour, Northumberland	Susquehanna River
East Branch Hemlock Creek, Basin	Susquehanna, Wayne	Hemlock Creek
Little Egypt Creek, Basin	Susquehanna	Susquehanna River
East Branch Tunkhannock Creek	Susquehanna	Tunkhannock Creek
Cocalico Creek—Basin, from source to Blue Lake	Berks, Lancaster, Lebanon	Conestoga River
Harnish Run, Basin	Berks, Lancaster, Lebanon	Cocalico Creek
Ironstone Creek—Basin source to SR 4045	Berks	Manatawny Creek
Willow Creek	Berks	Maiden Creek
UNT 01762 to Monocacy Creek	Berks	Monocacy Creek
Wallenpaupack Creek—Basin, from source to the Lake Wallenpaupack Dam	Wayne, Pike, Monroe	Lackawaxen River

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
McGourvey Run, Basin	Clarion	Clarion River
Callihan Run, Basin	Clarion	Clarion River
Watson Run, Basin	Clarion	Clarion River
Clyde Run, Basin	Elk	Clarion River

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

The South Branch Roaring Creek basin is currently designated High Quality-Cold Water Fishes (HQ-CWF) from the source to T 309/Monroe Road in the Department's Water Quality Standards. The South Branch Roaring Creek study area will include the South Branch Roaring Creek basin from the source to T 309/Monroe Road.

The East Branch Hemlock, Little Egypt and East Branch Tunkahannock Creeks basins are currently designated Cold Water Fishes (CWF) in the Department's Water Quality Standards. The East Branch Hemlock Creek and Little Egypt Creek study areas will include each basin in its entirety. The East Branch Tunkahannock Creek study area will include the East Branch Tunkahannock Creek basin from the source to SR 2027 at Elkdale.

The Cocalico Creek basin from the source to Blue Lake is currently designated High Quality-Warm Water Fishes (HQ-WWF) in the Department's Water Quality Standards. Harnish Run is currently designated Warm Water Fishes (WWF) in the Department's Water Quality Standards. The study area will include the entire Cocalico Creek basin from the source to Blue Lake and include the Harnish Run basin.

The Ironstone Creek basin from the source to SR 4045 is currently designated Trout Stocking (TSF). The Willow Creek basin is currently designated CWF. The UNT 01762 to Monocacy Creek basin is currently designated WWF. The study area for Ironstone Creek will include the entire basin from the source to SR 4045. The study areas for Willow Creek and UNT 01762 to Monocacy Creek will include each basin in its entirety.

Wallenpaupack Creek from the source to the Lake Wallenpaupack Dam is currently designated HQ-CWF in the Department's Water Quality Standards. This study area will include Wallenpaupack Creek from the source to the Lake Wallenpaupack Dam.

Recent sampling efforts have indicated that the current designated use for South Branch Roaring, Little Egypt, East Branch Tunkahannock, East Branch Hemlock and Cocalico Creeks, Harnish Run, Ironstone and Willow Creeks, UNT 01762 and Wallenpaupack Creek should be reassessed. These assessments may lead to recommendations to the Board for redesignation.

McGourvey, Callihan, Watson and Clyde Runs basins are currently absent from the Department's Water Qual-

ity Standards. These basins are being evaluated for the most appropriate aquatic life use designation. These assessments will lead to a recommendation to the Board for designation. These study areas will include each basin in its entirety.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1889. Filed for public inspection October 1, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(1) (relating to nurses' station).

Church of the Brethren Home
277 Hoffman Avenue
Windber, PA 15963

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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 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 require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1890. Filed for public inspection October 1, 2010, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2010-2011 Food List

I. 2010-2011 WIC Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2010-2011 WIC Food List which contains the required types of foods, and if applicable, names of the allowable brands of foods. Effective October 1, 2010, the 2010-2011 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

Not Allowed: Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, organic cheese, cheese packed in water.

Cow's Milk

Fluid (pasteurized; quart, 1/2 gallons or gallons). Any fat level allowed as specified on the WIC check. Acidophilus allowed. Lactose free if specified on the WIC check. Evaporated (12 ounce cans) if specified on the WIC check. Dry (9.6 or 25.6 ounce packages) if specified on the WIC check.

Not Allowed: Flavored milk, buttermilk, goat's milk, milk with added calcium, protein or plant sterols, organic milk, Ultra High Temperature (UHT) processed milk, milk in glass bottles.

Soy Beverage

32 or 64 ounce containers:	Pacific Natural Foods— Ultra Soy (Plain or Vanilla flavored) 8th Continent Soymilk Original Flavor
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Not Allowed: Any other brand or type of soy beverage.

Tofu

15 to 16 ounce containers:	Soy Boy—Organic Firm and Extra Firm House Premium Tofu—Regular, Firm, Extra Firm
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Not Allowed: Any other brand or type of tofu.

Chicken Eggs

Regular large, medium or small raw shell brown or white chicken eggs in one dozen package.

Not Allowed: Specialty eggs such as, vegetarian fed, organic eggs, low cholesterol, fat modified, high in omega 3's, and the like.

Legumes (Beans)

Black beans, blackeye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, split peas and lentils.

1 pound dry or 15.5 to 16 ounce canned any brand (canned kidney beans may contain sugar).

Not Allowed: Green beans, green peas, snap beans, yellow beans, wax beans, pork-n-beans, beans with added seasonings, sugars, oils, sauces, meats, organic beans.

Fruits and Vegetables

Fruits Allowed:

Fresh, whole or cut without added sugars. Frozen, without added sugars. Canned, jarred or multi pack without added sugars, fats, oils or sodium (salt).

Vegetables Allowed:

Fresh, whole or cut without added sugars, fats or oils. Frozen, without added sugars, fats or oils. Canned or jarred, without added sugars, fats or oils (whole kernel corn and green peas can contain sugar).

Sweet potatoes and yams.

Organic fruits and vegetables can be purchased.

Not allowed:

- Party trays, fruit baskets, salad bar items
- *Ingredients other than fruit*—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils or sodium (salt)
- *Ingredients other than vegetables*—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, spices, fats or oils
- *Any type of white potatoes* (including Red Bliss, Purple and Yukon Gold)
- Sauerkraut, pickled vegetables, olives
- Jarred salsa, pasta sauce
- Fresh herbs and spices, edible blossoms
- Dried fruit, trail mix
- Fruit leathers, fruit snacks, fruit roll-ups
- Fruit and nut mixtures
- Fruit cocktails, cranberry sauce, pie filling
- Baked goods

Juice

Single Strength (48 ounce container, 100% pure juice):

Apple	Apple & Eve, Lucky Leaf, Musselman's, Nestle Juicy Juice, Red & White, Seneca, Shurfine, Wegmans
Cranberry	Apple & Eve, Northland
100% Grape (purple or white)	America's Choice, Nestle Juicy Juice, Red & White, Shurfine, White Rose
Juice Blends	Apple & Eve: Cranberry Apple and Cranberry Raspberry Northland: Cranberry Grape and Cranberry Raspberry Nestle Juicy Juice: Orange Tangerine

Single Strength (64 ounce container; 100% pure juice):

Apple	Acme, America's Choice, Apple & Eve, Best Yet, Flavorite, Food Club, Foodland, Giant, Giant Eagle, Great Value, HyTop, Lucky Leaf, Musselman's, Old Orchard, Our Family, Parade, Red & White, Richfood, Safeway, Seneca, Shop N Save, Shop Rite, Shurfine, Tipton Grove, Wegmans, Weis Quality, White Rose
Cranberry	Acme, Flavorite, Giant, Giant Eagle, Great Value, Our Family, Richfood, Safeway, Shop N Save, Shurfine, Wegmans, Weis Quality
Grape (purple, red or white)	Acme, America's Choice, Best Yet, Flavorite, Food Club, Giant, Giant Eagle, Great Value, HyTop, Krasdale, Our Family, Parade, Red & White, Richfood, Safeway, Shop N Save, Shurfine, Valu Time, Wegmans, Weis Quality, Welch's, White Rose
Orange	Any Brand, calcium and vitamin D added allowed
Pineapple	Acme, Flavorite, Giant, Giant Eagle, Great Value, Libby's, Our Family, Richfood, Safeway, Shop N Save, Shurfine, Wegmans, Weis Quality
Tomato	Campbell's (regular or low sodium)
Vegetable	Campbell's V8 (regular or low sodium)
Juice Blends	Apple & Eve—all flavors (including Sesame Street) except "Cranberry Juice & More" Nestle Juicy Juice—all flavors Old Orchard—100% juice flavors, no premium flavors

Frozen Concentrated (11.5 to 12 ounce container; 100% pure juice):

Apple	America's Choice, Best Yet, Flavorite, Food Club, Great Value, HyTop, Old Orchard, Our Family, Parade, Richfood, Safeway, Seneca, Shop N Save, Shop Rite, Shurfine, Sunrise Valley, Value Time, Wegmans, Weis Quality
Apple Juice Blends	Old Orchard (all flavors with green pull tab top)
Orange	Any brand (including calcium and vitamin D added)
Pineapple	Dole
Pineapple Blends	Any Dole 100% juice
Grape	Welch's (all flavors with yellow pull tab top)
White Grape Juice Blends	Welch's (all flavors with yellow pull tab top)

Shelf Stable Concentrated (11.5 to 12 ounce container; 100% pure juice):

Juicy Juice any flavor, Welch's any flavor with yellow trim

Not Allowed: Ciders, cocktails, artificial sweeteners, food colorings, added sugar, alcohol, carbonation, fiber,

omega 3's, DHA, ARA, beta-carotene, vitamin A, vitamin E, Organic Juice.

Cereal

<i>Adult / Child Cereals:</i>	Minimum package size 12 ounces
<i>General Mills:</i>	Cheerios (regular, multigrain), Chex (wheat, corn, rice, multi bran), Kix (regular or honey only), Total (whole grain), Wheaties (regular flavor only)
<i>Kellogg Co.:</i>	All Bran Complete Wheat Flakes, Corn Flakes, Crispix, Frosted Mini Wheats (Bite Size, Big Bite or Unfrosted), Rice Krispies, Special K (regular or protein plus)
<i>Malto Meal,</i>	Honey & Oat Blenders (regular or almond), <i>bag or box:</i> Crispy rice
<i>Maypo:</i>	Instant Maple Oatmeal
<i>Nabisco:</i>	Cream of Wheat: Instant original, 1 minute, 2 1/2 minutes, 10 minutes, Whole Grain
<i>Post:</i>	Banana Nut Crunch, Grape-Nuts & Grape-Nut Flakes, Bran Flakes, Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters), Shredded Wheat Vanilla Almond
<i>Quaker Co.:</i>	Original Instant Grits, Crunchy Corn Bran, Oat Bran Essentials, King Vitaman, Life (regular flavor), Oatmeal Squares (original & cinnamon)
<i>Store Brand Cereal:</i>	Corn Flakes, Toasted Oats, Corn Squares-Biscuits, Rice Squares-Biscuits: (Acme, America's Choice, Flavorite, Food Club, Giant, Great Value, Our Family, Price Rite, Ralston Foods, Richfood, Safeway, Shop-N-Save, Shop Rite, Shurfine, Wegmans, Weis Quality)
<i>Not Allowed:</i>	Individual serving boxes, organic cereal, any other brand or type of cereal.

Peanut Butter

18 ounce container, labeled "Peanut Butter" only.

Not Allowed: Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter, added omega 3s, DHA, ARA or artificial sweeteners.

*Infant Formula**Contract Brand*

Milk Based: Gerber GOOD START Gentle PLUS

Soy Based: Gerber GOOD START Soy PLUS

Other brands and types of formula must be specified on the WIC check.

Infant Foods

Infant Cereal: Gerber rice, oatmeal, barley, whole wheat or mixed grain in 8 or 16-ounce box.

Not Allowed: Organic varieties, variety pack, cereal with fruit, formula, yogurt, DHA, ARA or any other added ingredients.

Infant Fruits and Vegetables: 4 ounce containers of 100% fruits or vegetables.

Not Allowed: Desserts, organic varieties, mixed with sugar, cereal, rice, noodles, meats, yogurt, DHA, ARA or any other ingredients.

Infant Meats: 2.5 ounce containers of single ingredient meats (with or without gravy or broth), brand listed on the WIC check.

Not Allowed: Organic varieties, mixed with sugar, cereal, rice, noodles, vegetables, fruit, DHA, ARA or any other ingredients.

Canned Fish

Chunk Light Tuna, Pink Salmon or Sardines in 3.75, 5 or 6 ounce cans only.

Not Allowed: Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

Whole Grains

16 ounce packages:

Whole Wheat or Whole Grain Bread & Rolls

Arnold Select—Wheat Sandwich Rolls, Stoneground 100% Whole Wheat Bread

Bimbo—100% Whole Wheat Bread

Giant—100% Whole Wheat Bread

Great Value—100% Whole Wheat Bread

Nickles—Country Style 100% Whole Wheat Bread

Pathmark—100% Whole Wheat Bread

Pepperidge Farms—Stoneground 100% Whole Wheat Bread, Very Thin Soft 100% Whole Wheat Bread

Roman Meal—Sungrain 100% Whole Wheat Bread

Sara Lee—Classic 100% Whole Wheat Bread

Schmidt Old Tyme—100% Whole Wheat Bread

Shop Rite—100% Whole Wheat Bread

Stern's—100% Whole Wheat Bread, Whole Wheat Rolls

Stroehmann—Small 100% Whole Wheat Bread

Weight Watchers—Whole Wheat Bread

Windmill Farms—100% Stoneground Whole Wheat Bread-Hamotzie, 100% Stoneground Whole Wheat Bread—Mezonot, 6 pack Whole Wheat Rolls

Wonder—Soft 100% Whole Wheat Bread

Soft Corn or Whole Wheat Tortillas

Carlita—Corn Tortilla

Celia's—White Corn and Whole Wheat

Chi Chi's—White Corn Tortillas or Whole Wheat Tortilla Fajita Style

Don Pancho—White Corn Tortillas or Whole Wheat Tortillas

Food Club—Whole Wheat Tortillas

La Banderita—Corn Tortillas and Fajita Whole Wheat

La Burrita—Yellow Corn Tortillas

MexAmerican—Whole Wheat with Honey

MiCasa—100% Whole Wheat Tortillas

Mission—Yellow Corn Extra Thin Tortillas and Whole Wheat Tortillas

Nature's Promise—100% Whole Grain Corn Tortillas and 100% Whole Wheat Tortillas

Shurfine—Hand Made Style Whole Wheat

Weis Quality—Whole Wheat Tortillas

Brown Rice: Uncle Ben's—Natural Whole Grain Brown Rice

Lundberg—Long or Short Grain Brown Rice (no other varieties)

Store Brands: Acme, America's Choice, Flavorite, Food Club, Giant, Great Value, Gulf Pacific, Our Family, Richfood, Safeway, Shop N Save, Shurfine, Wegmans, Weis Quality, White Rose

16 ounce packages: Oats—Mom's Best Natural Quick Oats, Mother's Rolled Oats

24 ounce packages:

Whole Wheat or Whole Grain Bread & Rolls

Arnold—100% Whole Wheat Bread

Brownberry—100% Whole Wheat Bread

Gold Medal—All Natural Whole Wheat or 100% Stone Ground Wheat Bread

Nickles—Country Style 100% Whole Wheat Bread

Pepperidge Farms—100% Whole Wheat Bread

Wegmans—Whole Wheat Bread

Weis—From the Oven 100% Whole Wheat Bread

Oats—Quaker Steel Cut Oats

II. Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with NESTLÉ to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Gerber GOOD START Gentle PLUS and Gerber GOOD START Soy PLUS. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2010.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1891. Filed for public inspection October 1, 2010, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program publishes notice of the minimum inventory requirements. Effective October 1, 2010, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

Formula

Sixteen 13 ounce cans of Gerber Good Start Gentle Plus liquid concentrate.

Ten 12 ounce cans of Gerber Good Start Gentle Plus powdered.

Sixteen 13 ounce cans of Gerber Good Start Soy Plus liquid concentrate.

Nine 12.9 ounce cans of Gerber Good Start Soy Plus powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for this formula.

Infant Foods

Two varieties of Gerber infant cereal in 8 ounce boxes, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 4 ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 4 ounce containers.

Two varieties 100% meat, any brand, with a total of 31 2 1/2 ounce containers.

Fruits and Vegetables

Two varieties of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$15 worth.

Whole Grains

Two WIC allowable varieties with a total of two 16 ounce packages.

Milk

Fluid Whole, Vitamin D Fortified: Eight 1/2 gallons.

Fluid Skim, Low Fat, or Reduced Fat: Eighteen 1/2 gallons.

Eggs

Grade "A" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable types prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of five 48 ounce containers.

Two WIC allowable single strength varieties with a total of two 64 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11.5 to 12 ounce containers.

Cereal

Adult, five WIC allowable varieties, at least one whole grain variety, in 12 ounce or larger packages totaling at least 60 ounces.

Peanut Butter

Two 18 ounce containers labeled "peanut butter."

Dried Peas and Beans or Canned Beans

Two varieties WIC allowable: 1 pound each dried or 16.5 to 16 ounce canned with a total of four cans.

Canned Fish

At least 45 ounces in 3.75, 5 or 6 ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, 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.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1892. Filed for public inspection October 1, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Pennsylvania Conservation Corps; Grant for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry (Department), Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education, and Community and Economic Development
- The Game, Fish and Boat, and Historical and Museum Commissions
- The Pennsylvania Emergency Management Agency
- Political subdivisions
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only)

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on public lands in this Commonwealth. Funds available through the PPC program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corpsmembers and crewleaders are paid directly by the Department.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through Friday, January 7, 2011. State agency applications will be accepted through Friday, February 4, 2011.

For more information, or to obtain a grant application packet, contact Pennsylvania Conservation Corps, 651 Boas Street, Room 1405, Harrisburg, PA 17121, (717) 783-6385, pcc@state.pa.us. Grant application materials are also available for download from the Department web site, www.dli.state.pa.us/pcc.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-1893. Filed for public inspection October 1, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals

The Department of Public Welfare (Department) is providing final notice of funding allocation for Fiscal Year (FY) 2009-2010 for disproportionate share hospital (DSH) payments to qualifying hospitals based on the designation as a Critical Access Hospital (CAH) or as a qualifying rural hospital. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to allocate funding for DSH payments to hospitals based on the designation as a CAH or as a qualifying rural hospital at 40 Pa.B. 1839 (April 3, 2010). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

Fiscal Impact

For FY 2009-2010 these DSH payments will total \$9.687 million (\$4.378 million in State funds), reflecting a reduction of \$1.078 million (\$0.487 million in State funds) from the amounts appropriated in Act 10-A of 2009.

HARRIET DICHTER,
Secretary

Fiscal Note: 14-NOT-659. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-1894. Filed for public inspection October 1, 2010, 9:00 a.m.]

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period July 1, 2009, through June 30, 2010, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2009, to June 30, 2010, disproportionate share payment percentages:

<i>Acute Care General Hospitals</i>	
ALBERT EINSTEIN MEDICAL CENTER	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
CROZER CHESTER MEDICAL CENTER	3.33%
DUBOIS REGIONAL MEDICAL CENTER	10.00%
HIGHLAND HOSPITAL	3.08%
HOSPITAL UNIVERSITY OF PA	3.76%
INDIANA HOSPITAL	3.45%
JAMESON MEMORIAL	1.00%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILADELPHIA	4.75%
NPHS—GIRARD	1.00%
NPHS—ST. JOSEPH'S	7.44%
PENN PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—ST. CHRISTOPHER'S	14.00%
THOMAS JEFFERSON	3.00%
TITUSVILLE AREA HOSPITAL	4.81%
UPMC—BEDFORD	9.00%
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%
VALLEY FORGE	6.05%
WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%
<i>Psychiatric Units of Acute Care General Hospitals</i>	
ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
JAMESON MEMORIAL	1.65%
MERCY HOSP OF PHILADELPHIA	3.14%
NPHS—GIRARD	1.00%
PENN PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSPITAL	4.02%
THS—HAHNEMANN UNIVERSITY HOSPITAL	2.47%
<i>Drug and Alcohol Units of Acute Care Hospitals</i>	
NPHS—ST. JOSEPH'S	9.00%
PENN PRESBYTERIAN MED CENTER OF UPHS	2.24%
VALLEY FORGE	6.91%

Medical Rehab Units of Acute Care Hospitals

ALBERT EINSTEIN	4.50%
CHILDREN'S HOSPITAL OF PHILADELPHIA	10.00%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
JAMESON MEMORIAL	1.00%
TEMPLE UNIVERSITY HOSPITAL	7.26%

Freestanding Rehab Hospitals

CHILDREN'S INSTITUTE OF PITTSBURGH	6.75%
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Private Psychiatric Hospitals

BELMONT CENTER	3.92%
BROOKE GLEN BEHAVIORAL HEALTH	6.51%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX—MAPLETON PSYCH CTR	10.00%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
KIDSPEACE HOSPITAL	9.00%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL	3.57%
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B. Additional Disproportionate Share Payments

Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

Acute Care General Hospitals

ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALFRED I. DUPONT INSTITUTE
 ALLEGHENY KISKI
 ALTOONA HOSPITAL
 ARIA HOSPITAL
 ARMSTRONG COUNTY MEMORIAL
 BARNES KASSON HOSPITAL
 BLOOMSBURG HOSPITAL
 BRADFORD REGIONAL
 BRANDYWINE HOSPITAL
 BROOKVILLE HOSPITAL
 BRYN MAWR HOSPITAL
 BUCKTAIL MEDICAL CENTER
 BUTLER COUNTY MEMORIAL
 CANONSBURG GENERAL HOSPITAL

CARLISLE HOSPITAL
 CHAMBERSBURG HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHESTER COUNTY HOSPITAL
 CHHS HOSP CO/CHESTNUT HILL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CHILDREN'S HOSPITAL OF PITTSBURGH
 CHS—BERWICK HOSPITAL
 CLARION HOSPITAL
 CLEARFIELD HOSPITAL
 COMMUNITY MEDICAL CENTER—SCRANTON
 CONEMAUGH VALLEY HOSPITAL
 COORDINATED HEALTH ORTHOPEDIC HOSPITAL
 CORRY MEMORIAL
 CROZER—CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL
 DIVINE PROVIDENCE—WILLIAMSPORT
 DOYLESTOWN HOSPITAL
 DUBOIS REGIONAL MEDICAL CENTER
 EASTON HOSPITAL
 EDGEWOOD SURGICAL HOSPITAL
 ELK REGIONAL
 ELLWOOD CITY
 ENDLESS MOUNTAINS HEALTH SYSTEM
 EPHRATA COMMUNITY
 EVANGELICAL COMMUNITY
 FRICK COMMUNITY
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GEISINGER SOUTH WILKES-BARRE
 GEISINGER WYOMING VALLEY
 GETTYSBURG HOSPITAL
 GNADEN HUETTEN MEMORIAL
 GOOD SAMARITAN—LEBANON
 GRAND VIEW HOSPITAL
 GROVE CITY MEDICAL CENTER
 HAMOT MEDICAL CENTER
 HANOVER HOSPITAL
 HAZLETON GENERAL HOSPITAL
 HEART OF LANCASTER REGIONAL MEDICAL CENTER
 HIGHLAND HOSPITAL
 HOLY REDEEMER
 HOLY SPIRIT HOSPITAL
 HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA
 INDIANA HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 JC BLAIR
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICE
 JENNERSVILLE REGIONAL HOSPITAL
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY
 KENSINGTON HOSPITAL
 LANCASTER GENERAL
 LANCASTER REGIONAL MEDICAL CENTER
 LANKENAU HOSPITAL
 LANSDALE HOSPITAL
 LATROBE AREA
 LEHIGH VALLEY HOSP—MUHLENBERG
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN HOSPITAL
 LIFECARE HOSPITALS OF PITTSBURGH
 LOCK HAVEN HOSPITAL
 M S HERSHEY MEDICAL CENTER
 MAGEE WOMEN'S
 MARIAN COMMUNITY
 MEADVILLE MED CTR
 MEDICAL CENTER, BEAVER, PA
 MEMORIAL HOSP—YORK

MEMORIAL HOSPITAL—TOWANDA
 MERCY CATHOLIC FITZGERALD
 MERCY HOSP—PITTSBURGH
 MERCY HOSP OF PHILADELPHIA
 MERCY HOSPITAL—SCRANTON
 MERCY SPECIAL CARE
 MERCY SUBURBAN—NORRISTOWN
 MEYERSDALE COMMUNITY HOSPITAL
 MID VALLEY HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MINERS HOSPITAL OF N CAMBRIA
 MONONGAHELA VALLEY
 MONTGOMERY HOSPITAL MEDICAL CENTER
 MOSES TAYLOR
 MOUNT NITTANY MEDICAL CENTER
 MUNCY VALLEY HOSPITAL
 NASON HOSPITAL
 NAZARETH HOSPITAL
 NPHS—GIRARD
 NPHS—ST. JOSEPH'S
 OHIO VALLEY GENERAL
 PALMERTON HOSPITAL
 PAOLI MEMORIAL HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS
 PHOENIXVILLE HOSPITAL OF UPHS
 PINNACLE HEALTH HOSPITALS
 POCONO MEDICAL CENTER
 POTTSTOWN MEMORIAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL AND MEDICAL CENTER
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSPITAL
 ROXBOROUGH MEMORIAL
 SACRED HEART—ALLENTOWN
 SAINT CATHERINE HOSPITAL OF PENNSYLVANIA
 SCHUYLKILL MEDICAL CENTER EAST
 SCHUYLKILL MEDICAL CENTER SOUTH
 SEWICKLEY VALLEY HOSPITAL
 SHAMOKIN AREA COMMUNITY HOSPITAL
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS MEMORIAL
 SOMERSET HOSPITAL
 SOUTHWEST REGIONAL MEDICAL CENTER
 ST. CLAIR MEMORIAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKE'S—BETHLEHEM
 ST. LUKE'S—QUAKERTOWN
 ST. LUKE'S MINERS MEMORIAL MEDICAL CENTER
 ST. MARY'S—LANGHORNE
 ST. VINCENT HLTH CTR
 SUNBURY COMMUNITY
 SURGICAL INSTITUTE OF READING
 TEMPLE LOWER BUCKS HOSPITAL
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIV HOSPITAL
 THS—HAHNEMANN UNIV HOSPITAL
 THS—ST. CHRISTOPHER'S
 TITUSVILLE AREA HOSP
 TROY COMMUNITY
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA HOSPITAL
 UPMC—BEDFORD
 UPMC—BRADDOCK
 UPMC—HORIZON
 UPMC—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC—PASSAVANT

UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP
 UPMC—ST. MARGARET
 VALLEY FORGE
 WARREN GENERAL HOSPITAL
 WASHINGTON HOSPITAL
 WAYNE COUNTY MEMORIAL
 WAYNESBORO HOSPITAL
 WEST VIRGINIA UNIV HOSPITALS, INC.
 WEST PENN—ALLEGHENY
 WESTERN PENN—FORBES REGIONAL CAMPUS
 WESTERN PENNSYLVANIA
 WESTFIELD MEDICAL CENTER
 WESTMORELAND REGIONAL
 WILLIAMSPORT HOSPITAL & MEDICAL CENTER
 WINDBER MEDICAL CENTER
 WILKES BARRE GENERAL HOSPITAL
 YORK HOSPITAL

Psychiatric Units of Acute Care Hospitals

ABINGTON MEMORIAL
 ALBERT EINSTEIN
 ALLEGHENY—KISKI MEDICAL CENTER
 ALTOONA
 ARIA HOSPITAL
 ARMSTRONG COUNTY MEMORIAL
 BERWICK HOSPITAL CENTER
 BLOOMSBURG HOSPITAL
 BRADFORD
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSPITAL
 BUTLER COUNTY MEMORIAL
 CHAMBERSBURG HOSPITAL
 CLEARFIELD HOSPITAL
 COMMUNITY MEDICAL CENTER
 CONEMAUGH VALLEY
 CORRY MEMORIAL
 CROZER—CHESTER
 DIVINE PROVIDENCE—WMSPT
 DUBOIS REGIONAL MEDICAL CENTER
 EAGLEVILLE HOSPITAL
 ELK REGIONAL CENTER
 EPHRATA COMMUNITY
 GEISINGER MEDICAL CENTER
 GEISINGER SOUTH WILKES-BARRE
 GRANDVIEW
 HIGHLAND HOSPITAL
 HOLY SPIRIT
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL HOSPITAL
 JEFFERSON HEALTH SERV
 LANCASTER REGIONAL MEDICAL CENTER
 LANCASTER GENERAL
 LATROBE AREA
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN
 MARIAN COMMUNITY HOSPITAL
 MEADVILLE MEDICAL CENTER
 MEDICAL CENTER, BEAVER
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PITTSBURGH
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY
 MONTGOMERY
 MOSES TAYLOR
 MOUNT NITTANY MEDICAL CENTER
 NPHS—GIRARD
 PENN PRESBYTERIAN MED CENTER

POCONO HOSPITAL
 POTTSTOWN MEMORIAL MEDICAL CENTER
 READING HOSPITAL
 ROBERT PACKER
 SACRED HEART HOSP—ALLENTOWN
 SAINT CATHERINE HOSPITAL OF PENNSYLVANIA
 SCHUYLKILL MEDICAL CENTER SOUTH
 SEWICKLEY VALLEY HOSPITAL
 SHAMOKIN AREA COMM HOSPITAL
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS
 SOMERSET HOSPITAL CENTER FOR HEALTH
 SOUTHWEST REGIONAL MEDICAL CENTER
 ST. CLAIR MEMORIAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKES OF BETHLEHEM
 ST. LUKES—QUAKERTOWN
 ST. VINCENT
 SUNBURY COMMUNITY
 TEMPLE UNIVERSITY HOSPITAL
 TEMPLE—LOWER BUCKS
 THOMAS JEFFERSON
 THS—HAHNEMANN UNIV HOSPITAL
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA
 UNIV OF PITT MED CTR—BRADDOCK
 UNIV OF PITT MED CTR—MCKEESPORT
 UPMC—NORTHWEST MEDICAL CENTER
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL
 WASHINGTON
 WEST PENN—ALLEGHENY
 WESTERN PENNSYLVANIA
 WESTERN PENN HOSPITAL—FORBES REGIONAL
 CAMPUS
 WESTMORELAND
 YORK HOSPITAL

Drug and Alcohol Units of Acute Care Hospitals

BUTLER COUNTY MEMORIAL
 MEADVILLE MEDICAL CENTER
 NPHS—ST. JOSEPH'S HOSPITAL
 PRESBY MEDICAL CENTER OF UNIVERSITY OF PA
 HEALTH SYSTEM
 VALLEY FORGE

Medical Rehab Units of Acute Care Hospitals

A I DUPONT
 ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN
 ALTOONA
 CARLISLE REGIONAL MEDICAL CENTER
 CHAMBERSBURG HOSPITAL
 CHARLES COLE
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CONEMAUGH VALLEY HOSPITAL
 CROZER—CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 DUBOIS REG MEDICAL CENTER
 EASTON HOSPITAL
 GEISINGER—WYOMING VALLEY
 GNADEN HUETTEN MEMORIAL HOSPITAL—MRU
 GOOD SAMARITAN HOSPITAL—LEBANON
 HANOVER HOSPITAL
 HAZELTON GENERAL HOSPITAL MRU
 HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA
 INDIANA HOSPITAL
 JAMESON MEMORIAL
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER

MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL—PITTSBURGH
 MILTON S. HERSHEY MEDICAL CENTER
 MONONGAHELA VALLEY HOSPITAL
 NAZARETH
 OHIO VALLEY
 PINNACLE HEALTH HOSPITALS
 READING HOSPITAL
 SCHUYLKILL MEDICAL CENTER EAST
 SCHUYLKILL MEDICAL CENTER SOUTH
 SEWICKLEY VALLEY HOSPITAL
 ST. MARY HOSPITAL—LANGHORNE
 ST. LUKES OF BETHLEHEM
 ST. VINCENT HEALTH CENTER
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UPMC—HORIZON
 UPMC—MCKEESPORT
 UPMC—NORTHWEST MEDICAL CENTER
 UPMC—PASSAVANT
 UPMC—PRESBYTERIAN SHADYSIDE
 UPMC—ST. MARGARET
 WASHINGTON HOSPITAL
 WESTMORELAND HOSPITAL
 WILLIAMSPORT HOSPITAL

Freestanding Rehab Hospitals

ALLIED SERVICES REHAB HOSPITAL
 ANGELA JANE PAVILION
 BRYN MAWR REHAB HOSPITAL
 CHILDREN'S HOME OF PITTSBURGH
 CHILDREN'S INSTITUTE
 GOOD SHEPHERD REHAB HOSPITAL
 HEALTH SOUTH HARMARVILLE
 HEALTH SOUTH LAKE ERIE INSTITUTE REHAB
 HEALTH SOUTH MECHANICSBURG REHAB
 HEALTH SOUTH PENN STATE GEISENGER REHAB
 HOSPITAL
 HEALTH SOUTH READING REHAB HOSPITAL
 HEALTH SOUTH REHAB HOSPITAL OF YORK
 HEALTH SOUTH REHAB OF ALTOONA
 HEALTH SOUTH REHAB OF NITTANY VALLEY
 HEALTH SOUTH REHAB OF SEWICKLEY
 JOHN HEINZ INSTITUTE
 LANCASTER REHAB HOSPITAL
 PENN STATE HERSHEY
 MAGEE MEMORIAL REHAB HOSPITAL

Private Psychiatric Hospitals

BELMONT CENTER FOR COMP TREATMENT
 BERKS BEHAVIORAL HEALTH
 BROOKE GLEN BEHAVIORAL HOSPITAL
 CLARION PSYCHIATRIC CENTER
 DEVEREUX—MAPLETON PSYCH CENTER
 FAIRMOUNT BHS
 FIRST HOSPITAL
 FOUNDATIONS BEHAVIORAL HEALTH
 FRIENDS HOSPITAL
 HORSHAM CLINIC
 KIDSPACE
 KIRKBRIDE CENTER
 MEADOWS PSYCHIATRIC CENTER
 MONTGOMERY COUNTY EMERGENCY SERVICE,
 INC.
 PENNSYLVANIA PSYCH INSTITUTE
 PHILHAVEN
 ROXBURY PSYCHIATRIC
 SOUTHWOOD PSYCH HOSPITAL

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT
 ABINGTON MEMORIAL
 ALBERT EINSTEIN
 ARIA HOSPITAL
 BARNES KASSON
 CHARLES COLE MEMORIAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CLARION
 CLEARFIELD
 CROZER—CHESTER MEDICAL CENTER
 DOYLESTOWN
 DUBOIS REGIONAL MEDICAL CENTER
 EAGLEVILLE
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 HAMOT MEDICAL CENTER
 HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL
 LANKENAU
 LEHIGH VALLEY
 LOCK HAVEN
 MAGEE WOMENS
 MEADVILLE MEDICAL CENTER
 MEMORIAL HOSP TOWANDA
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PITTSBURGH
 MILTON S. HERSHEY MEDICAL CENTER
 NPHS—ST. JOSEPH'S
 NPHS—GIRARD
 PRESBYT MED CTR OF PHILADELPHIA
 PRESBYT UNIV HOSPITAL—PITTSBURGH
 PUNXSUTAWNEY
 READING HOSPITAL
 SOLDIERS AND SAILORS
 ST. LUKES OF BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON
 THS—HAHNEMANN HOSPITAL
 TITUSVILLE
 UPHS—PENNSYLVANIA HOSPITAL
 UPMC BEDFORD
 UPMC BRADDOCK MEDICAL CENTER
 VALLEY FORGE
 WAYNE COUNTY MEMORIAL

WEST PENN—ALLEGHENY
 WEST VIRGINIA
 WESTERN PENN
 YORK HOSPITAL

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

HARRIET DICHTER,
Secretary

Fiscal Note: 14-NOT-656. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-1895. Filed for public inspection October 1, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meetings Scheduled

State Transportation Advisory Committee

The State Transportation Advisory Committee (TAC) will hold a meeting on Thursday, October 7, 2010, from 10 a.m. to 11:30 a.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie, Executive Secretary of TAC at (717) 787-2913 or nritchie@state.pa.us.

Rail Freight Advisory Committee

The Rail Freight Advisory Committee (RFAC) will hold a meeting on Wednesday, October 27, 2010, from 1 p.m. to 3 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Minty Patel, Executive Secretary of RFAC at (717) 783-8567 or minpatel@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-1896. Filed for public inspection October 1, 2010, 9:00 a.m.]

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), District 9-0, under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following Bedford County property is available for sale by the Department: 1.21 acres along SR 4009-07P in Bedford Township, Bedford County being the remainder of tax map No. E-8-7. The parcel was conveyed to the Commonwealth in the office for Recording of Deeds of Bedford County at Record Book volume 1336, Page 644.

Interested public entities are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, P. E. District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Sherry L. Peck, District Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-1897. Filed for public inspection October 1, 2010, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

**The Home Rule Borough of Edinboro and the
Municipal Authority of the Borough of Edinboro
v. DEP and Appi Alla, Permittee; EHB Doc. No.
2010-142-R**

The Home Rule Borough of Edinboro and the Municipal Authority of the Borough of Edinboro has appealed the issuance by the Department of Environmental Protection of an NPDES General Permit to Appi Alla for stormwater discharges associated with construction activities in Borough of Edinboro, Erie County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 10-1898. Filed for public inspection October 1, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P. S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under sections (6)(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-1899. Filed for public inspection October 1, 2010, 9:00 a.m.]

Meeting Scheduled

The Health Care Cost Containment Council has scheduled the following meeting: Payment Data Advisory Group, Wednesday, October 13, 2010, 10 a.m. until 12 p.m.

The meeting will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability and wish to attend the meeting should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-1900. Filed for public inspection October 1, 2010, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) meeting will be held on October 5, 2010, at 9:45 a.m. at the studios of WITF, 4801 Lindle Road, Harrisburg, PA. For individuals with a disability who wish to attend this meeting, and require an auxiliary aid, service or other accommodation to participate, contact Cheri Garrett at (717) 783-9933 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. For persons who have any questions or comments, contact the National Register Office of the Bureau for Historic Preservation at (717) 783-8946.

National Register Nominations Reviewed at the Board meeting:

1. Justice William Smith House, 10 Veterans Way Mercersburg, Franklin County, No. 155982.
2. Greenbelt Knoll, 1-19 Longford Street, roughly bounded by Holme Avenue and the Pennypack Park Greenway, Philadelphia City, Philadelphia County, No. 156202.
3. New Grenada Theatre, 2017-2013 Centre Avenue, Pittsburgh, Allegheny County, No. 114824.
4. Eden Cemetery, 1434 Springdale Road, Collingsdale, Delaware County, No. 156144.
5. Fairview Park, located on Old Route 22, 1.5 miles East of Delmont, Salem Township, Westmoreland County, No. 110041.
6. Shelly School, 130 Richlandtown Pike, Richland Township, Bucks County, No. 116410.
7. POS of A Hall, 465 South Sterling Road, Dreher Township, Wayne County, No. 144054.
8. Souderton Historic District, Souderton, Montgomery County, No. 141479.

9. Glenmoore Historic District, at the intersection of Fairview and Creek Roads, roughly bounded by Park Lane, Indiantown Road and Howson Lane, Wallace Township, Chester County, No. 095182. With accompanying MPDF *Villages of Northern Chester County*.

10. East Liberty Historic District, roughly bounded by Penn, Sheridan and Centre Avenues and Kirkwood and South Whitfield Streets, Pittsburgh, Allegheny County, No. 143269.

11. Rittenhouse Historic District Boundary Increase, roughly bounded by the Center City West Historic District, South 21st Street, Philadelphia, No. 124412.

12. Girard Avenue Historic District, West Girard Avenue between North Taney and North 30th Streets, Philadelphia, No. 079129.

13. *African Americans in Pennsylvania, 1664-1965* Multiple Property Documentation Form.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 10-1901. Filed for public inspection October 1, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, September 16, 2010, and announced the following:

Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective September 15, 2010:

State Board of Landscape Architects #16A-619: Fees—Landscape Architect (amends 49 Pa. Code § 15.12)

Milk Marketing Board #47-14: Transactions Between Dealers and Producers (amends 7 Pa. Code Chapter 143)

Action Taken—Regulations Approved:

Department of Transportation #18-409: Air Transportation (amends 67 Pa. Code Chapters 471, 473, 477 and 479)

State Board of Podiatry #16A-4410: Continuing Education (amends 49 Pa. Code §§ 29.61 and 29.63a)

State Board of Physical Therapy #16A-613: Continuing Education Providers (amends 49 Pa. Code § 40.63)

Department of Transportation #18-415: Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues (establishes 67 Pa. Code Chapter 233)

Department of Health #10-191: Physician Assistants and Certified Registered Nurse Practitioners (amends 28 Pa. Code § 211.7)

Approval Order

Public Meeting held
September 16, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Transportation—
Air Transportation;
Regulation No. 18-409 (#2710)*

On July 22, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapters 471, 473, 477 and 479. The proposed regulation was published in the August 9, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 21, 2010. On August 16, 2010, the Commission requested that the Board toll consideration of this final-form regulation to address drafting errors, provisions that could be clarified, and provisions that conflict with each other. On August 20, 2010, the Board simultaneously tolled and submitted its revisions to the final-form regulation to the Commission.

This rulemaking amends four chapters of the Department's regulations pertaining to airport rating and licensing, aviation development grants, local real estate tax reimbursement grants and obstruction to aircraft.

We have determined this regulation is consistent with the statutory authority of the Department (74 Pa.C.S.A § 5301) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 16, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Podiatry—
Continuing Education;
Regulation No. 16A-4410 (#2811)*

On December 9, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Podiatry (Board). This rulemaking amends 49 Pa. Code §§ 29.61 and 29.63a. The proposed regulation was published in the December 19, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 13, 2010.

This final-form regulation increases the biennial continuing education requirement for podiatrists from 30 hours to 50 hours.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 42.9 and 42.15) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 16, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Physical Therapy—
Continuing Education Providers;
Regulation No. 16A-6513 (#2786)*

On September 2, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code Section 40.63. The proposed regulation was published in the September 19, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 27, 2010.

This final regulation clarifies existing requirements for approval of courses and preapproval of sponsors of continuing education for physical therapists.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1303(a) and 1309(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 16, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Transportation—Transportation
Enhancement Grants from Automated Red Light
Enforcement System Revenues;
Regulation No. 18-415 (#2779)*

On July 21, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking establishes 67 Pa. Code Chapter 233. The proposed regulation was published in the August 1, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 3, 2010.

This regulation fulfills the statutory requirement to develop, by regulation, a Transportation Enhancements Grant Program for the use of revenue generated from automated red light enforcement systems.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. § 3116(1)(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
September 16, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Health—Physician Assistants
and Certified Registered Nurse Practitioners;
Regulation No. 10-191 (#2860)*

On July 27, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Section 211.7. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation deletes the existing requirement for a countersignature by a licensed physician on a resident's record that is written by a Certified Registered Nurse Practitioner.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. § 448.201(11)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1902. Filed for public inspection October 1, 2010, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>
16A-5724	State Board of Veterinary Medicine License Renewal; Continuing Education 40 Pa.B. 4154 (July 24, 2010)

<i>Close of the Public Comment Period</i>
8/23/10

<i>IRRC Comments Issued</i>
9/22/10

State Board of Veterinary Medicine Regulation #16A-5724 (IRRC #2858)

License Renewal; Continuing Education

September 22, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the July 24, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

1. Comments on behalf of the House Professional Licensure Committee.—Reasonableness; Clarity.

In a letter dated September 13, 2010, Chairman Michael P. McGeehan and Republican Chair Julie Harhart, on behalf of the House Professional Licensure

Committee (Committee), submitted comments on this regulation. The Committee comments are:

- The Committee brings to the Board's attention that, in the Background and Need for Amendments, reference is made to the fact that the American Association of Veterinary State Boards (AAVSB) program has approved over 400 candidates and is now accepted in 29 "jurisdictions states", including New York and Virginia (spelling was corrected since delivery). The Committee requests a clarification of what is meant by "jurisdictions states."

- The Committee brings to the Board's attention that, in the Background and Need for Amendments, addressing the deletion of provisions and fees regarding temporary permits, the citation should be corrected to read (63 P. S. § 485.10).

- The Committee brings to the Board's attention that since § 31.13, License renewal, is being amended, the fourth sentence should read in part "Upon renewing their licenses, licensees will receive. . ."

- The Committee questions that in § 31.13(b) whether the District of Columbia is included in the amended reference of “another state, territory, country, or by a Federal authority in the United States.”

- The Committee requests an explanation for the use of the term licensee in § 31.13(e)(i) when referring in a list of individuals who are required to apply for a license in accordance with Section 9 of the Act if practicing veterinary medicine in the Commonwealth is to be resumed. Could reference be made to “veterinarian” as is done in § 31.13(e)(ii) and (iii)?

- The Committee questions the term used for a veterinarian who fails to renew a license. Is the term “holder of an expired license” the technical status or is it “licensee”? Reference is made to a holder of an expired license in § 31.13(d) and in newly proposed § 31.13(e)(i), lists individuals who will be required to apply for a license in accordance with § 9 of the Act as “a licensee who practiced veterinary medicine in this Commonwealth on an expired Pennsylvania license for a period of more than 5 years.” The Committee recommends some consistency in the use of terms.

- The Committee brings to the Board’s attention that upon publication of the proposed regulation in the *Pennsylvania Bulletin*, a subheading caption “Veterinary Technicians and Noncertified Employees” was added. In Proposed Regulation 16A-5718 which is winding its way through the process, the term and definition of Noncertified Employee are being deleted and replaced with the term and definition “Veterinary Assistant.” For future consistency, the Committee recommends that the newly proposed term and definition be used in the final rule-making.

We will review the Board’s responses to these issues in our determination of whether the final regulation is in the public interest.

2. Section 31.12. Temporary permits.—Need.

In the Preamble, the Board states:

The Board proposes to rescind § 31.12 because veterinary students currently take the licensure examination prior to completing veterinary school and applicants for licensure by reciprocity do not need temporary permits because the processing time for a license and a permit is the same.

As noted in Section 31.12, temporary permits are established in statute at 63 P.S. § 485.10. Why is the Board deleting the provisions and fee relating to temporary licenses in its regulations while the underlying statute is still in place? Will the statutory provision be deleted before the final-form regulation is submitted? The Board should further explain in its final-form submittal the need to delete Section 31.12 and the associated temporary permit fee of \$35 from Section 31.41 while 63 P.S. § 485.10 remains in place.

3. Section 31.13. License Renewal.—Clarity.

Under the statute (63 P.S. § 485.18), certification of completion of continuing education “shall be in accord-

ance with regulations of the board.” In Subsection (d) of the regulation, the Board proposes to delete the requirement to demonstrate continuing education for periods in which the license was expired by deleting the following phrase:

certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and

The Board replaces this requirement with new language that states:

documentation that the licensee has complied with § 31.15 (related to continuing education).

The amended language does not provide direction on what documentation the Board will accept, whereas the existing language is clearer by requiring certificates of attendance at continuing education courses for the current and preceding biennial renewal periods. We recommend that the Board amend Subsection (d) to provide clear direction on what proof of continuing education the holder of an expired license must provide and for what periods.

4. Section 31.15. Continuing education.—Consistency with statute; Need; Reasonableness; Clarity.

The Board proposes to delete the phrase “As a condition of licensure renewal under § 31.13 (relating to licensure renewal)” which appears at the beginning of this section in existing regulation. Under 63 P.S. § 485.18, licensees are required to complete continuing education preceding each renewal date. We are very concerned that the Board is deleting language from the regulation which clearly states that continuing education is a condition of license renewal. We believe the existing language is in the best interest of the licensees and the Board. We strongly recommend maintaining this language so that it is clear to licensees that a license cannot be renewed if the licensee fails to complete continuing education credits as required by the statute.

5. Fiscal impact of the regulation.

In its Regulatory Analysis Form (RAF), the Board repeatedly states the amendments have no adverse effect and that there are no costs or savings associated with the amendments. See responses to RAF Questions 15, 17, 18, 19, 20 and 21. Yet, the Board is making three amendments to fees in Section 31.41. The Board should explain, for instance, its response to RAF Question 17 that “No costs or savings to the regulated community are anticipated” when it is imposing new fees on the regulated community for duplicate licenses. We recommend that the Board review the amendments to the regulation and provide amended responses to RAF Questions 15, 17, 18, 19, 20 and 21 in the final-form submittal of the regulation.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1903. Filed for public inspection October 1, 2010, 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 dates 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 on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-465	Environmental Quality Board Mercury Emissions: Repeal	9/17/10	10/21/10
7-442	Environmental Quality Board Beneficial Use of Coal Ash	9/20/10	10/21/10
7-448	Environmental Quality Board Paper, Film and Foil Surface Coating Processes	9/20/10	10/21/10
7-453	Environmental Quality Board Administration of the Land Recycling Program	9/20/10	10/21/10
7-454	Environmental Quality Board Administration of the Uniform Environmental Covenants Act	9/20/10	10/21/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1904. Filed for public inspection October 1, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for BlueCare Assure PPO Plan

By filing 1593-BLC-33-PPO-RATE 1/1/20100, Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield submitted a filing requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Assure PPO Plan by 11.2% effective January 1, 2011. This increase will impact approximately 1,948 members.

Unless formal administrative action is taken prior to December 16, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1905. Filed for public inspection October 1, 2010, 9:00 a.m.]

Highmark Blue Shield; Direct Pay ClassicBlue Comprehensive Major Medical Plan (Central Region); Rate Filing

By filing No. 1A-CMM-10-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase the premium rates for the Direct Pay ClassicBlue Comprehensive Major Medical Plan (Central region). The filing requests an average increase of about 14.2% or \$65.93 per contract per month. This will affect about 7,200 contract holders and produce additional premium income of about \$5.7 million annually. For HIPAA and HCTC eligibles, the filing requests an average increase of about 14.1% or \$105.22 per contract per month. This will affect an estimated 1,100 contract holders and produce additional premium income of about \$1.4 million annually. The requested effective date of the change is January 1, 2011.

The filing also proposes benefit changes.

Unless formal administrative action is taken prior to December 9, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find..." click on the link "View Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation,

Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1906. Filed for public inspection October 1, 2010, 9:00 a.m.]

Highmark, Inc., Filing No. 1A-SSC-10-HBS; Requesting Approval to Increase Rates for the Direct Pay Special Care Hospital Plans (Central Region); Rate Filing

By filing No. 1A-SSC-10-HBS, Highmark, Inc., d/b/a Highmark Blue Shield requests approval to revise premium rates for its Direct Pay Special Care Hospital Plan in the Central Pennsylvania region.

Highmark is requesting a 14.2% increase or \$15.98 per contract per month. This will affect 2,600 contracts and generate an additional \$41,000 per month in premium. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 16, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1907. Filed for public inspection October 1, 2010, 9:00 a.m.]

Highmark, Inc., Filing No. 2A-SSC-10-HBCBS; Requesting Approval to Increase Rates for the Direct Pay Special Care Hospital Plans (Western Region); Rate Filing

By filing No. 2A-SSC-10-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield requests approval to revise premium rates for its Direct Pay Special Care Hospital Plan in the Western Pennsylvania region.

Highmark is requesting a 13.2% increase or \$15.98 per contract per month. This will affect 10,000 contracts and generate an additional \$163,000 per month in premium. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 16, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1908. Filed for public inspection October 1, 2010, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; F-Classification and USL&HW Rating Value Filing

On September 16, 2010, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) proposed revisions to rates and rating values pertaining to F-Classification and United States Longshore and Harbor Workers (USL&HW) Compensation Act coverages to be effective April 1, 2011. The filing proposes the following:

- An overall average increase in collectible F-Classification rates of 6.96%.
- An overall average increase in manual rates for F-Classifications of 4.08% consistent with the proposed overall average change in collectible rates. The proposed changes in manual rates for individual F-Classifications range from increases of 2.5% to 6.9%.
- A change in the USL&HW Compensation Coverage Percentage from 80.3% to 78.1%.

The filing is available for review on the Bureau's web site at www.pcrb.com in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Jim DiSanto, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jadisanto@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1909. Filed for public inspection October 1, 2010, 9:00 a.m.]

Provisions of Act 51 of 2010

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51), recently signed into law, added to the Commonwealth's long-term care insurance (LTCI) laws a provision granting a right to appeal an insurer's determination that a benefit trigger is not met. It also added definitions of "benefit trigger" and "independent review organization."

Under section 1111.1 of The Insurance Company Law of 1921 (act) (40 P.S. § 991.111a), as added by Act 51, benefit trigger determinations are subject to the right to an internal appeal and then to the right to an external independent review by an entity certified or approved by the Insurance Department (Department) to perform independent reviews of benefit trigger determinations. The Department will maintain and periodically update a list of certified LTCI independent review organizations on the Department's web site.

The provisions of Act 51 apply to benefit trigger requests made on or after November 6, 2010.

To comply with Act 51, each insurer is required to:

- For each determination on or after November 6, 2010, that the benefit trigger of an LTCI policy has not been met, provide written notice to the insured and the insured's authorized representative, if applicable. The notice must satisfy the requirements of section 1111.1(b) of the act.
- Follow the internal appeal process specified in section 1111.1(c), including providing a written description of the insured's right to request an independent review of the benefit determination.
- If an insured or the insured's authorized representative requests an independent review of the insurer's benefit trigger determination, follow the external review process specified in section 1111.1(d) of the act.
- All notices copied to the Department should be addressed to the Insurance Department, Bureau of Consumer Services, Long-Term Care Benefit Trigger Reviews, 1209 Strawberry Square, Harrisburg, PA 17120.

To facilitate timely dissemination of information regarding entities certified to review long-term care benefit trigger determinations in the Commonwealth, each long-term care insurer should provide the name, title, telephone number, fax number and e-mail address for contact persons at the company for these matters.

Contact information and questions may be directed to Carolyn M. Morris, Director, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120, (717) 783-9862.

ROBERT L PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1910. Filed for public inspection October 1, 2010, 9:00 a.m.]

QCC Insurance Co. (a Subsidiary of Independence Blue Cross); Filing No. QCC-2-10 Individual Guaranteed Issue Rate Filing

On September 14, 2010, the Insurance Department (Department) received from QCC Insurance Co. (a subsidiary of Independence Blue Cross) a filing for a rate increase for its Individual Guaranteed Issue Personal Choice product.

The company requests an increase of 9.9% or \$52.07 per contract per month on average. This will affect about 17,500 contract holders and will produce additional income of about \$10,910,000 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 16, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insur-

ance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1911. Filed for public inspection October 1, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Verizon North Retain Company to Merge with and into a Limited Liability Company

A-2010-2193749. Verizon North Retain Company. Application of Verizon North Retain Company for any approvals required under the Public Utility Code to merge with and into a Limited Liability Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 18, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Verizon North Retain Company

Through and By Counsel: Suzan D. Paiva, Assistant General Counsel, 1717 Arch Street, 17W, Philadelphia, PA 17103

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1912. Filed for public inspection October 1, 2010, 9:00 a.m.]

Indirect Transfer of Control

A-2010-2200202; A-2010-2200203; A-2010-2200204; A-2010-2200205. Talk America, Inc., LDMI Telecommunications, Inc., Cavalier Telephone Mid-Atlantic, LLC and Intellifiber Networks, LLC. Joint application for all approvals under the Pennsylvania Public Utility Code for the indirect transfer of control of Talk America, Inc., LDMI Telecommunications, Inc., Cavalier Telephone Mid-Atlantic, LLC and Intellifiber Networks, LLC to PAETEC Holding Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 18, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Joint Applicants: Talk America, Inc., LDMI Telecommunications, Inc., Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, LLC

Through and By Counsel: Renardo L. Hicks, R.L. Hicks and Associates, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1913. Filed for public inspection October 1, 2010, 9:00 a.m.]

Natural Gas

A-2010-2200201. Peregrine Keystone Gas Pipeline, LLC. Application of Peregrine Keystone Gas Pipeline, LLC for approval on a non-exclusive basis to begin to offer, render, furnish or supply natural gas gathering, compression, dehydration and transportation or conveying service by pipeline to the public in all municipalities located in Greene and Fayette Counties and in East Bethlehem Township in Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 1, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Peregrine Keystone Gas Pipeline, LLC

Through and By Counsel: Daniel P. Delaney, Esquire, George A. Bibikos, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1914. Filed for public inspection October 1, 2010, 9:00 a.m.]

Notice to All Telecommunications Providers and All Interested Parties

The Pennsylvania Public Utility Commission (Commission) invites comment on pending petitions for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support. Petitions pending include:

Cricket Communications, Inc.—Doc. No. P-2010-2156502
Virgin Mobile USA, LP—Doc. No. P-2010-2155915

Nexus Communication, Inc.—Doc. No. P-2010-2154831
BLC Management, LLC, d/b/a Angel Communications Solutions—Doc. No. P-2009-2104963

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that

the Commission intends to act on the previously-referenced ETC petitions pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 10 days of publication of this notice. Interested parties may review the pending petitions at the Commission web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau (717) 772-0696.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1915. Filed for public inspection October 1, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 18, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2010-2199479. Central Pocono Ambulance Association, Inc. (P. O. Box 138, Tannersville, Monroe County, PA 18372)—a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, in vehicles equipped with a wheelchair lift, from points in Monroe County to points in Pennsylvania, and return.

Application of the following for additional right to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods as described under the application.

A-2010-2199289. Sand Dollar Moving, Inc., t/a Family First Moving (2156 Graham Road, Stow, Summit County, OH 44224), a corporation of the Commonwealth, for the additional right to begin to transport, as a common carrier, by motor vehicle, household goods in use service, from points in the Counties of Allegheny, Beaver, Butler and Washington, to points in Pennsylvania, and vice versa. *Attorney:* John L. Alden, Esquire, 1 East Livingston Avenue, Columbus, OH 43215.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2010-2199080. Fred W. Williams (9114 Atlantic Road, Atlantic, Crawford County, PA 16111)—to discontinue service as a common carrier by motor vehicle, at A-00120697, authorizing the transportation, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Crawford, and for points in said county, to points in Pennsylvania, and return.

A-2010-2199943. Phillips Crane & Equipment Rentals, Inc. (88 Beaver Grade Road, McKees Rocks, Allegheny County, PA 15136)—for the discontinuance of service and cancellation of its certificate as a class D carrier, household goods in use between points in the County of Allegheny which are west of the City of Pittsburgh; and household goods in use from points in the County of Allegheny west of the City of Pittsburgh to points within 60 miles by the usually traveled highways of the limits of the said area, and vice versa.

September 21, 2010

Alpha Moving and Storage, Inc.
t/a A Pioneer Moving Systems Co.
13451 Damar Drive
Philadelphia, PA 19116

In re: Pennsylvania Public Utility Commission v. Alpha Moving and Storage, Inc., t/a A Pioneer Moving Systems Co.; Doc. No.: A-00115139, C-2010-2187846

To whom it may concern;

On August 2, 2010, the Bureau of Transportation and Safety instituted a Complaint against Alpha Moving and Storage, Inc., t/a A Pioneer Moving Systems Co., Respondent, alleging failure to cooperate with a Commission investigation and failing to furnish information from July 6 to August 14, 2010, a violation of 66 Pa.C.S. § 505, failure to file a tariff showing just and reasonable rates, a violation of 52 Pa. Code § 23.11(a) and § 31.27, failure to deliver the household goods of Matthew Lentz, a violation of 66 Pa.C.S. § 1501 by not furnishing reasonable service, and failure to provide updated contact information with the Commission, a violation of 52 Pa. Code § 1.53(d).

Respondent was duly notified that, if no Answer was filed within twenty (20) days from the date of service of the Complaint, the penalty would be imposed.

The Complaint and Notice were served and sent by certified mail on August 16, 2010, and published in the *Pa Bulletin* August 14, 2010 and, more than thirty (30) days later, no response has been received from Respondent.

Therefore, the allegations in the Complaint are admitted and the Complaint is sustained.

Respondent, within twenty (20) days from the date of the service of this letter, shall pay a fine of Twenty Thousand Six Hundred Dollars (\$20,600.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66

Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

Very truly yours,

Rosemary Chiavetta
Secretary

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1916. Filed for public inspection October 1, 2010, 9:00 a.m.]

Telecommunications

A-2010-2200104. Verizon Pennsylvania, Inc. and Trans National Communications International, Inc. Joint petition of Verizon Pennsylvania, Inc. and Trans National Communications International, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Trans National Communications International, Inc., by its counsel, filed on September 17, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Trans National Communications International, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1917. Filed for public inspection October 1, 2010, 9:00 a.m.]

Transfer of Ownership

A-2010-2200128. Billing Services of America, Inc., The James A. Holmquist Revocable Trust. Joint application for authority to transfer ownership of Billing Services of America, Inc., to The James A. Holmquist Revocable Trust.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 18, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Billing Services of America, Inc.

Through: Patrick D. Crocker, Esquire, Crocker & Crocker, PC, The Kalamazoo Building, 107 West Michigan Avenue, Fourth Floor, Kalamazoo, MI 49007

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1918. Filed for public inspection October 1, 2010, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Lord and Temi, LLC, t/d/b/a Lord's Hair Cutting,
Styling and Braiding Salon; File No. 09-45-00386**

On July 20, 2010, Lord and Temi, LLC, t/d/b/a Lord's Hair Cutting, Styling and Braiding Salon, license no.

CB120930, of York, York County, was assessed a civil penalty of \$500 for aiding and abetting the unlicensed practice of a profession, occupation or business.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

SUSANNE M. PHILO,
Chairperson

[Pa.B. Doc. No. 10-1919. Filed for public inspection October 1, 2010, 9:00 a.m.]
