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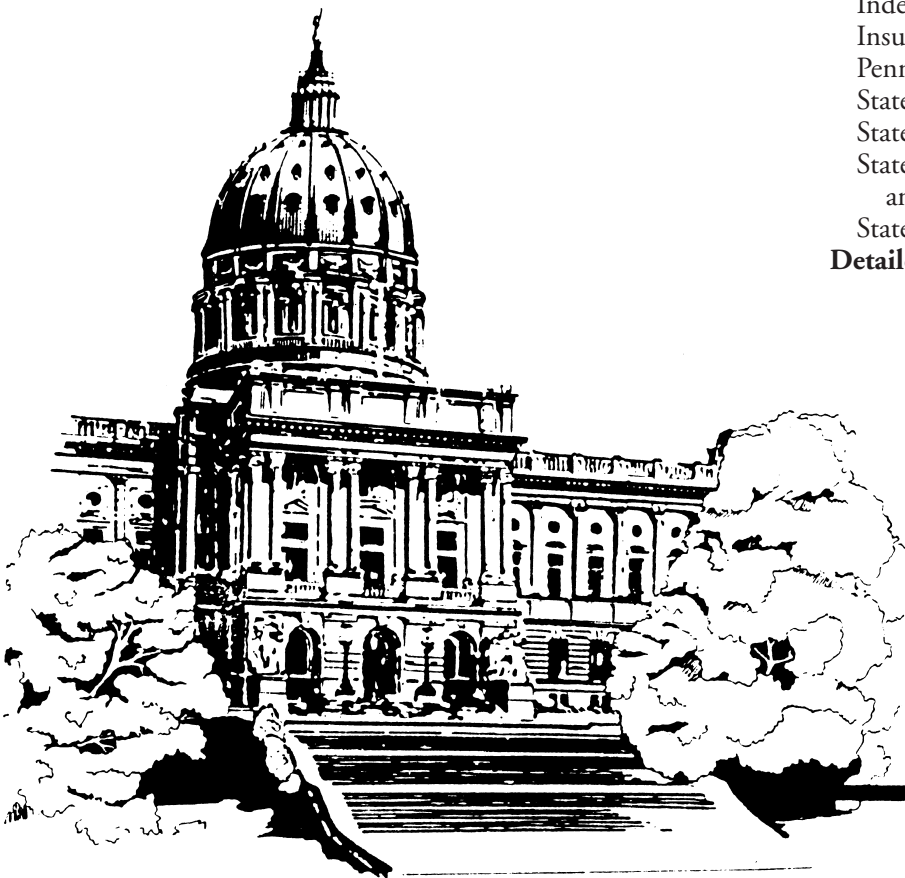
# PENNSYLVANIA BULLETIN

Volume 41  
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## Agencies in this issue

The Courts  
Department of Banking  
Department of Environmental Protection  
Department of Labor and Industry  
Department of Revenue  
Department of State  
Department of Transportation  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Medicine  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Real Estate Commission

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

**No. 443, October 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 5 AND 21 ]

#### Amendment of Rules 531, 2113 and 2185 of the Rules of Appellate Procedure; No. 215 Appellate Procedural Rules Doc.

#### Order

#### *Per Curiam*

*And Now*, this 3rd day of October, 2011, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 40 Pa.B. 7209 (December 18, 2010):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 531, 2113 and 2185 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

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

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

##### AMICUS CURIAE

#### Rule 531. Participation by Amicus Curiae.

(a) *Briefs*.—Anyone interested in the questions involved in any matter pending in an appellate court, excluding Petitions for Allowance of Appeal, although not a party, may, without applying for leave to do so, file a brief amicus curiae in regard to those questions.

(1) Unless otherwise ordered by the court, any amicus curiae shall file and serve its brief in the manner and number required and within the time allowed by these rules with respect to the party whose position as to affirmance or reversal the amicus brief will support, or with respect to the appellant, if the amicus brief does not support the position of any party.

(2) **In an appeal proceeding under Rules 2154(b), 2185(c) and 2187(b), any amicus curiae shall file and serve its brief within the time allowed by these rules for service of the advance text of the brief by the party whose position as to affirmance or reversal the amicus brief will support or, if the amicus brief does not support the position of any party, within the time allowed by these rules for service of the advance text by the appellant. Alternatively, the amicus curiae may, but is not required to, serve an advance text and then file and serve a definitive copy of its brief. If the amicus curiae chooses to serve an advance copy and then file and serve a definitive copy, its deadlines for each are the same as for the party whose position as to affirmance or**

**reversal the amicus brief supports or, if the amicus brief does not support the position of any party, as for the appellant.**

(b) *Oral argument*.—Oral argument may be presented by amicus curiae only as the appellate court may direct. Requests for leave to present oral argument shall be by application and will be granted only for extraordinary reasons.

**Official Note:** Where the amicus cannot comply with the requirements of this rule because of ignorance of the pendency of the question, relief may be sought under Rule 105(b). The last eight words of the rule are new. In *Piccirilli Bros. v. Lewis*, 282 Pa. 328, 336, 127 Atl. 832, 835 (1925) the court noted the applicability of this rule to public officers who are represented by official counsel with an adverse position.

**The 2011 amendment to the rule clarified when those filing amicus curiae briefs should serve and file their briefs when the appellant has chosen or the parties have been directed to proceed under the rules related to large records (Rule 2154(b)), advance text (Rule 2187(b)) and definitive copies (Rule 2185(c)). Under those rules, the appellant may defer preparation of the reproduced record until after the briefs have been served. The parties serve on one another (but do not file) advance texts of their briefs within the times required by Rule 2187. At the time they file their advance texts, each party includes certified record designations for inclusion in the reproduced record. The appellant must then prepare and file the reproduced record within 21 days of service of the appellee's advance text (Rule 2186(a)(2)). Within 14 days of the filing of the reproduced record, each party that served a brief in advance text may file and serve definitive copies of their briefs. The definitive copy must include references to the pages of the reproduced record, but it may not otherwise include changes from the advance text other than correction of typographical errors. Those filing amicus curiae briefs may choose to serve an advance text and then file and serve definitive copies according to the procedure required of the parties or they may choose to file a definitive brief without citations to the reproduced record.**

#### ARTICLE II. APPELLATE PROCEDURE

##### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

##### CONTENT OF BRIEFS

#### Rule 2113. Reply Brief.

(a) *General rule*.—In accordance with Rule 2185(a) ([ service ] time for serving and filing [ of ] briefs), the appellant may file a brief in reply to matters raised by appellee's brief or in any amicus curiae brief and not previously addressed in appellant's brief. If the appellee has cross appealed, the appellee may file a similarly limited reply brief.

(b) *Response to draft or plan*.—A reply brief may be filed as prescribed in Rule 2134 (drafts or plans).

(c) *Other briefs*.—No further briefs may be filed except with leave of court.

**Official Note:** An appellant now has a general right to file a reply brief. The scope of the reply brief is limited,

however, in that such brief may only address matters raised by appellee and not previously addressed in appellant's brief. No subsequent brief may be filed unless authorized by the court.

The length of a reply brief is set by Rule 2135 (length of briefs). The due date for a reply brief is found in Rule 2185(a) (service and filing of briefs).

Where there are cross appeals, the deemed or designated appellee may file a similarly limited reply brief addressing issues in the cross appeal. See also Rule 2136 (briefs in cases involving cross appeals).

**The 2011 amendment to subdivision (a) authorized an appellant to address in a reply brief matters raised in amicus curiae briefs. Before the 2011 amendment, the rule permitted the appellant to address in its reply brief only matters raised in the appellee's brief. The 2011 amendment did not change the requirement that the reply brief must not address matters previously addressed in the appellant's principal brief.**

#### FILING AND SERVICE

##### Rule 2185. Time for Serving and Filing Briefs.

###### (a) *Time for serving and filing briefs.*

(1) *General rule.*—Except as otherwise provided by this rule, the appellant shall serve and file appellant's brief not later than the date fixed pursuant to Subdivision (b) of this rule, or within 40 days after the date on which the record is filed, if no other date is so fixed. The appellee shall serve and file appellee's brief within 30 days after service of appellant's brief and reproduced record if proceeding under Rule 2154(a) (**general rule**). A party may serve and file a reply brief permitted by these rules within 14 days after service of the preceding brief but, except for good cause shown, a reply brief must be served and filed so as to be received at least three days before argument. In cross appeals, the second brief of the deemed or designated appellant shall be served and filed within 30 days of service of the deemed or designated appellee's first brief. Except as prescribed by Rule 2187(b) (advance text of briefs), each brief shall be filed not later than the last day fixed by or pursuant to this rule for its service. Briefs shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.

\* \* \* \* \*

(3) *Multiple briefs for appellants or appellees.*—If the time for filing a brief is established by reference to service of a preceding brief and more than one such preceding brief is filed, the deadline for filing the subsequent brief shall be calculated from the date on which the last timely filed preceding brief is served. If no such preceding brief is filed, the deadline for a subsequent brief shall be calculated from the date on which the preceding brief should have been filed.

(b) *Notice of deferred briefing schedule.*—When the record is filed the prothonotary of the appellate court shall estimate the date on which the matter will be argued before or submitted to the court, having regard for the nature of the case and the status of the calendar of the court. If the prothonotary determines that the matter will probably not be reached by the court for argument or submission within 30 days after the latest date on which the last brief could be filed under the usual briefing schedule established by these rules, the prothonotary shall fix a specific calendar date as the last date for the

filing of the brief of the appellant in the matter, and shall give notice thereof as required by these rules. The date so fixed by the prothonotary shall be such that the latest date on which the last brief in the matter could be filed under these rules will fall approximately 30 days before the probable date of argument or submission of the matter.

(c) *Definitive copies.*—If the record is being reproduced pursuant to Rule 2154(b) (large records) the brief served pursuant to Subdivision (a) of this rule may be typewritten or page proof copies of the brief, with appropriate references to pages of the parts of the original record involved. Within 14 days after the reproduced record is filed each party who served briefs in advance form under this subdivision shall serve and file definitive copies of his or her brief or briefs containing references to the pages of the reproduced record in place of or in addition to the initial references to the pages of the parts of the original record involved (see Rule 2132 (references in [ the ] briefs to the record)). No other changes may be made in the briefs as initially served, except that typographical errors may be corrected.

**Official Note:** The 2002 amendment recognizes that in cross appeals the deemed or designated appellant's second brief is more extensive than a reply brief and, therefore may require more than 14 days to prepare. See Rule 2136 (briefs in cases involving cross appeals).

**The addition of paragraph (a)(3) clarified practice in an appeal in which there is more than one appellant or appellee and all appellants or all appellees do not file their briefs on the same date. For example, if there are two appellants and one files early or one is granted an extension of time to file, the two briefs for appellants will not be filed or served on the same date. Without paragraph (a)(3), it was not clear when the appellee's 30-day period to file its brief began. The same issue can arise with respect to the appellant's time for filing its reply brief when there are two or more appellees. New paragraph (a)(3) clarified the point by starting the period on the date on which the latest, timely filed preceding brief is served.**

[Pa.B. Doc. No. 11-1786. Filed for public inspection October 21, 2011, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Current Schedule of Continuing Legal Education Courses Required for Reinstatement Under §§ 89.275 and 89.279 of the Disciplinary Board Rules

Disciplinary Board Rule § 89.279 provides that a formerly admitted attorney who has been disbarred or suspended for more than 1 year or on administrative suspension, retired status or inactive status for more than 3 years shall within 1 year preceding the filing of the petition for reinstatement take courses meeting the requirements of the current schedule published by the Office of the Secretary.

Evidence that a formerly admitted attorney has attended the required courses and lectures or has viewed videotapes of them shall be considered in determining

whether the formerly admitted attorney possesses the required competency and learning in law, but shall not be conclusive on the issue.

*Schedule*

Every formerly admitted attorney who petitions for reinstatement under these rules shall take the following:

A minimum of thirty-six (36) hours of accredited PA CLE courses with a minimum twelve (12) of those hours in the area of Ethics. Twelve (12) credits may be taken in pre-approved, interactive, Internet or computer based CLE programs.

Any petitions filed on or after December 1, 2011, by formerly admitted attorneys who have been disbarred or suspended for more than one year shall include the Bridge the Gap course taken through an accredited PA CLE provider as part of the thirty-six hours of credits.

*Note:* Accredited PA CLE courses taken for reinstatement may be used to meet CLE requirements once reinstated.

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

[Pa.B. Doc. No. 11-1787. Filed for public inspection October 21, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 21 ]

#### Odometer Reading Disclosure Statements

The Department of Transportation, under the authority in 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department), rescinds Chapter 21 to read as set forth in Annex A. This rulemaking is submitted as a final rulemaking with proposed rulemaking omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Insofar as Chapter 21 has been superseded by amendments to 75 Pa.C.S. (relating to Vehicle Code), public notice of the rulemaking is unnecessary, impractical and contrary to the public interest.

#### *Purpose of Chapter 21*

The purpose of Chapter 21 was to establish the form and manner in which odometer disclosure statements were to be made as prescribed in 75 Pa.C.S. § 1112 (repealed).

#### *Purpose of Final-Omitted Rulemaking*

The purpose of this final-omitted rulemaking is to rescind Chapter 21. Section 1112 of 75 Pa.C.S. was repealed by the act of June 14, 1983 (P. L. 16, No. 8). The requirements for providing an odometer disclosure statement have been included in 75 Pa.C.S. §§ 7131—7139 (relating to tampering with odometers).

#### *Persons and Entities Affected*

This final-omitted rulemaking will not affect any person or entity as the requirements in Chapter 21 are now included in 75 Pa.C.S. §§ 7131—7139.

#### *Fiscal Impact*

Implementation of this final-omitted rulemaking will not result in the expenditure of additional funds by the Commonwealth or local municipalities.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 1, 2011, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-

101—732-506). A copy of the Regulatory Analysis Form is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on October 5, 2011, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 6, 2011, and approved the final-omitted rulemaking.

#### *Sunset Provisions*

The Department is not establishing a sunset date to revisit this final-omitted rulemaking.

#### *Contact Person*

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

#### *Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 21, are amended by deleting §§ 21.1—21.4 to read as set forth in Annex A.

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

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

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

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

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 5726 (October 22, 2011).)*

**Fiscal Note:** 18-422. No fiscal impact; (8) recommends adoption.

#### Annex A

**TITLE 67. TRANSPORTATION**  
**PART I. DEPARTMENT OF TRANSPORTATION**  
**Subpart A. VEHICLE CODE PROVISIONS**  
**ARTICLE II. TITLE**  
**CHAPTER 21. (Reserved)**  
**§§ 21.1—21.4. (Reserved).**

[Pa.B. Doc. No. 11-1788. Filed for public inspection October 21, 2011, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 111 ]

[L-2010-2208332]

### Marketing and Sales Practices for the Retail Residential Energy Market

The Pennsylvania Public Utility Commission (Commission), on February 10, 2011, adopted a proposed rulemaking order which sets forth regulations on marketing strategies and sales techniques for electric generation suppliers and natural gas suppliers to ensure fairness and integrity in the competitive market and eliminate confusion on behalf of consumers.

#### *Executive Summary*

The Public Utility Commission's (PUC) Office of Competitive Market Oversight with industry working groups comprised of gas and electric utilities, suppliers, consumers and other interested parties developed draft interim guidelines on marketing and sales activities for electric generation suppliers (EGSs) and natural gas suppliers (NGSs). The draft guidelines were issued for public comment. After reviewing the comments, the interim guidelines were finalized on November 5, 2010. See Docket No. M-2010-2185981. The interim guidelines cover a wide range of topics and recommended best practices for direct (door-to-door) marketing, telemarketing and sales for the retail residential market. These interim guidelines will provide direction to EGSs and NGSs until final regulations are promulgated.

On February 14, 2011, the PUC issued a proposed regulation based on the interim guidelines that are applicable to the retail residential energy market. The proposed regulation, which is directed at EGSs and NGSs and their agents who provide sales and marketing support, is drafted to lessen customer confusion about suppliers and the sales process, and to ensure that a customer's account is not transferred to a supplier without his authorization. Specifically, the proposed regulation covers, inter alia, a supplier's liability for its agent; agent qualifications and criminal background investigations; agent training; agent compensation and discipline; and agent identification and misrepresentation. In addition, subjects relating to supplier/agent-customer interactions are addressed: customer authorization to transfer account; customer receipt of disclosure statement and right to rescind contract; consumer protection law; and customer complaints. Door-to-door (direct) marketing and telemarketing, two sales practices fairly new to Pennsylvania's retail energy market, are also addressed.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 11, 2011, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Public Meeting held  
February 10, 2011

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

### **Marketing and Sales Practices for the Retail Residential Energy Market; Doc. No. L-2010-2208332 Proposed Rulemaking Order**

#### *By the Commission:*

Before us for consideration is a proposed rulemaking order on marketing and sales practices for the retail residential energy market. The proposed regulations set forth herein are based on interim guidelines that were developed on the subject by the Pennsylvania Public Utility Commission's Office of Competitive Market Oversight (OCMO) as a result of meetings held with the working groups, CHARGE (Committee Handling Activities for Retail Growth in Electricity) and SEARCH (Stakeholders Exploring Avenues to Remove Competitive Hurdles).<sup>1</sup> As was the case with the interim guidelines, the proposed regulations will be applicable to both electric generation suppliers (EGSs) and natural gas suppliers (NGSs). Accordingly, with this order, we issue these proposed regulations for public comment.

#### **Discussion**

##### *Background*

With the expiration of the electric generation rate caps of PPL Electric Utilities in 2010, and those of the First Energy Companies (Metropolitan Edison Company, Pennsylvania Electric Company), PECO Energy Company and West Penn Power Company this past January, greater numbers of EGSs have entered, and will enter Pennsylvania's retail electric generation supply market. As a result, consumers are being exposed to unfamiliar marketing strategies and sales techniques. One particular sales technique, direct sales or door-to-door sales, has created confusion for some customers, who contacted this Commission with their concerns. To address these concerns, the OCMO and the CHARGE working groups were assigned the task of developing interim guidelines on marketing and sales activities in the retail electric market.

CHARGE took up the issue of third party marketing and sales support at its January 7, 2010, meeting. CHARGE continued to meet to discuss and review various drafts of the interim guidelines prepared by OCMO staff. The group met on January 22; February 4 and 18; March 4 and 18; April 08 and 29; May 13 and 27; and June 10. During the discussions, CHARGE asked OCMO

<sup>1</sup> CHARGE and SEARCH members included electric distribution companies, natural gas distribution companies, EGSs, NGSs, industry trade organizations, consumers, the Office of Consumer Advocate, and the Office of Small Business Advocate.

staff to consider expanding the draft marketing guidelines to include NGS marketers. On April 29, 2010, OCMO circulated the guidelines to SEARCH, seeking feedback from natural gas stakeholders about the feasibility of that suggestion. Joint meetings of CHARGE and SEARCH were held on May 13, 2010, and on June 7, 2010. On June 24, 2010, the group met on the final OCMO staff draft of the proposed interim guidelines.

On July 16, 2010, the Commission issued a Tentative Order with proposed interim guidelines on marketing and sales practices for EGSs and NGSs. *Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers*, Docket no. M-2010-2185981 (Interim Guidelines). The Tentative Order set forth 17 proposed interim guidelines and established a 30-day comment period and a subsequent 15-day reply comment period. Fifteen comments and seven reply comments were filed. After considering the comments, the Commission issued its final order on the Interim Guidelines on November 5, 2010.

#### *Proposed Rulemaking*

The proposed regulations are based on the Interim Guidelines. In each section below, the proposed regulation is described, the guideline that forms the basis for the proposed regulation is identified, and any significant differences between the interim guideline and the proposed regulation are highlighted. One major difference between the proposed regulations and the interim guidelines, which we note here, is the elimination of many of the references to existing Title 52 regulations with which suppliers are already required to comply.

#### *Section 111.1. General.*

This is a general section based on Interim Guideline A and explains the purpose of the proposed regulations—to establish standards and practices for marketing and sales activities for EGSs and NGSs and their agents. Section 111.1 also explains the applicability of the proposed regulations to the retail residential energy market.

#### *Section 111.2. Definitions.*

This section sets forth definitions for terms used in the proposed regulations. The Interim Guidelines did not include a definition section. Accordingly, this section proposes definitions for some terms, and references to definitions for other terms that have been already established in the Public Utility Code, 66 Pa.C.S. §§ 101 et seq., or in other regulations in the *Pennsylvania Code* at Title 52 (relating to public utilities).

In regard to the proposed definition of “agent,” the Commission recognizes that some entities that provide marketing and sales support services may provide service to one supplier in one distribution company’s service territory and another supplier in another distribution company’s service territory. Also, there are some such entities that may have separate divisions that provide marketing and sales support service to different suppliers. Therefore, we propose that agents that provide marketing and/or sales support services to more than one supplier shall be included in our proposed definition of “agent” and will be bound to follow these regulations when they are finalized. The Commission specifically solicits comments on this definition of “agent.”

#### *Section 111.3. Supplier liability for its agent.*

This section states that a supplier, defined to include an EGS or a NGS, may use agents to conduct marketing or sales activities in accordance with federal, state and municipal law, and applicable commission rules, regula-

tions and orders. Referencing section 54.43(f) and section 62.114(e), relating to standards of conduct for licensees for EGSs and NGSs respectively, it discusses a supplier’s liability for the actions of its employees, agents and representatives and imposition of possible penalties, including the suspension or revocation of a supplier’s license. This proposed regulation is based on Interim Guideline A.

#### *Section 111.4. Agent qualifications and standards; criminal background investigations.*

Section 111.4 proposes a requirement for a supplier to develop standards and qualifications for individuals that it hires as its agents to conduct marketing and sales activities. Most importantly, it requires a supplier to conduct criminal background investigations, including a check of the Megan’s Law registry prior to hiring an individual to conduct door-to-door marketing and sales activities for the supplier. A supplier is also required to confirm that a contractor or vendor has performed criminal background investigations on its employees, agents and independent contractors who will perform door-to-door activities on the supplier’s behalf. This proposed regulation is based on Interim Guideline B.

#### *Section 111.5. Agent training.*

Section 111.5 sets forth requirements for agent training, and includes the same subject matter that was included in Interim Guideline C. The proposed regulation does not require advance review and approval of training materials, but does require the supplier to provide training materials and training records of its agents to the Commission upon request. A new requirement proposed is that a supplier shall ensure that its vendors and independent contractors have provided the same training for its employees, agents or independent contractors. Finally, there is a requirement that the supplier monitor a representative sample of telephonic and door-to-door marketing calls to evaluate its training program and to ensure that its agents are providing accurate and complete information to customers. A similar provision may be found in Interim Guideline D-2.

#### *Section 111.6. Agent compensation; discipline.*

This section is based in part on advice about agent compensation plans offered in the Interim Guidelines Final Order at page 33 and Interim Guideline E (relating to discipline). This proposed section requires a supplier to design its agent compensation programs so that it does not promote or encourage or reward behavior that runs counter to the practices established by these regulations. The section also requires a supplier to incorporate in its agent discipline practices and procedures the Commission’s long-standing zero tolerance policy on the unauthorized transfers of customer accounts and the violation of other consumer protections.

#### *Section 111.7. Customer authorization to transfer account; transaction; verification; documentation.*

This proposed regulation is based primarily on Interim Guideline D (monitoring/quality control/documentation).

This section requires the supplier to establish a transaction process for a customer to authorize the transfer of his or her account to the supplier. Additionally, it sets forth specific information required to be included on a document used to complete a transaction, such as a means to identify the agent who completed the transaction and a notation indicating how the transaction was completed. The latter would include whether the transaction was the result of a door-to-door or a telephone



contact with an agent, or whether the transaction was the result of the customer completing the transaction document and sending it to the supplier outside the presence of, and without interacting with, an agent working for the supplier. The supplier is required to provide documentation used to complete a transaction to the Commission upon request.

The supplier is also required to establish a process to verify transactions that involved an agent. The process is to confirm that the customer authorized the transfer of the account to the supplier. The supplier may use, but is not required to use, a third party for the verification. A transaction that was completed by a customer outside the presence of, or without interacting with, an agent would not need to be submitted to the verification process. These transactions would be ones where a customer completed a form and mailed it directly to the supplier, or where a customer completed an on-line application or e-mailed an electronic document to a supplier.

Additionally, this section requires that the verification process be separate from the transaction process, and that the verification process be initiated only after the transaction has been completed. This section also requires that when a transaction is the result of an in-person contact with an agent in a public location, the verification process can be initiated only after the customer leaves the vicinity of the agent. When a transaction resulted from an agent's contact with the customer at the customer's residence, the verification process can be initiated only after the agent has physically exited the customer's residence. At the end of the verification process contact, the customer must be informed of the three business day right of rescission of the transaction pursuant to Commission regulations at either 52 Pa. Code § 54.5(d) or § 62.75(d).

The proposed regulation also requires a supplier to maintain a record of the verification in a system that is capable of retrieving the record by customer name and by customer account number for a period of six billing cycles. It prescribes the contents of the verification record, and provides that copies of verification records shall be provided to the Commission upon request.

Finally, this section states that when the supplier is informed that a transaction cannot be verified, the supplier may contact the customer by telephone, e-mail or by letter to offer assistance to correct the identified problem so that the transaction can be re-submitted to the verification process.

This section differs from the Interim Guidelines that required that all transactions be verified. The proposed regulation creates an exception to the verification process for transactions completed by the customer without the involvement of an agent. Because the majority of the customer concerns about suppliers' marketing and sales practices involved the suppliers' use of agents, the verification of transactions completed by the customer that did not involve an agent at all seemed to be a redundant exercise, which would create unnecessary costs for suppliers. For this reason, we created this exception.

*Section 111.8. Agent identification; misrepresentation.*

This section is based on Interim Guideline G and requires that the supplier issue a photo identification badge to an agent who conducts door-to-door activities or appears at public events. The section also requires that an agent's badge shall be visible at all times when the agent is engaged in such activities.

This section also requires an agent, upon first contact with a customer, to identify the supplier that he or she represents, and to state that he or she is not working for, and is independent of, the local distribution company. Additionally, the agent shall not wear any apparel or accessories or carry equipment that contains branding elements, including the logo of the local distribution company. The agent also must not use the name, bills, marketing materials or consumer education materials of another supplier, distribution company, or government agency in a way that suggests a relationship that does not exist.

This section also requires a supplier that is an affiliate of a distribution company to comply with applicable regulations concerning affiliate marketing at 52 Pa. Code § 54.122 (relating to the code of conduct) for an EGS or § 62.142 (relating to the standards of conduct) for an NGS.

*Section 111.9. Door-to-Door Sales.*

This section is based on elements found in Interim Guideline G (misrepresentation), Interim Guideline J (local ordinances), Interim Guideline M (marketing, sales activities and materials), and Interim Guideline O (no call/no visit list).

The section requires that a supplier and its agents comply with local municipal ordinances governing door-to-door marketing and sales activities. It establishes certain hours of the day when a supplier may engage in door-to-door marketing and sales activities unless a local ordinance has restrictions that are more stringent. It requires that the supplier notify local municipal officials in advance of its schedule with the locations where it intends to conduct marketing and sales activities. This proposed regulation also requires that the supplier's agent wear his or her identification badge and have it visible at all times.

In regard to customer interactions, the proposed regulation requires the agent, upon greeting the customer, to identify himself or herself by name, the supplier that he or she represents and the reason for the visit. The agent also is required to offer a business card or other material that lists the agent's name, title and identification number, the supplier's name and contact information for the supplier. This section also addresses an agent's interaction with a potential customer where there is a language barrier.

Additionally, the proposed regulation sets requirements that are to be observed after the transaction has been completed. The agent is required to provide a copy of each document that the customer signed or initialed relating to the transaction before the agent leaves the customer's residence. Upon request, copies of the materials used by the agent during the call shall be provided to the customer as soon as is practical. The agent also is required to explain the supplier's verification process and that the process will not be initiated until the agent has left the customer's residence. The agent must state that the supplier will send a copy of the disclosure statement to the customer after the transaction has been verified, and that the customer may rescind the transaction within three business days of receiving the disclosure statement.

The proposed regulation also requires the agent to leave a residence when requested to do so by the customer, the owner or another occupant of the premises. Finally, this section directs a supplier to comply with an individual's request to be exempted from door-to-door marketing and sales contacts, and to note this request on its existing marketing or sales databases.

*Section 111.10. Telemarketing.*

This section is based on Interim Guideline H (federal law/consumer protection) and Interim Guideline O (no call/no visit list). This section requires that a supplier and its agents comply with applicable provisions of Pennsylvania's Telemarketer Registration Act, 73 P. S. §§ 2241—2249, and the federal "Do Not Call" law. See Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C §§ 6101, et seq. and Telemarketing Sales Rule, 16 CFR Part 310. This section makes it clear that that customer consent to the release of customer information by the distribution company to a supplier to enable competitive solicitations does not constitute an express intent to receive telephone solicitation calls.

In addition, this section proposes several requirements to lessen customer confusion that may occur when a transaction is completed by telephone. An agent contacting a customer by telephone must provide the customer with his or her first name and the name of the supplier on whose behalf the agent is calling. The agent must also provide his or her identification number upon customer request.

After completing the transaction, the agent must explain the supplier's verification process and that the supplier will send a copy of the disclosure statement after the transaction is verified. At the end of the call, the agent must state that the customer may rescind the transaction within three business days of receiving the disclosure statement.

*Section 111.11. Receipt of disclosure statement and right to rescind transaction.*

This section is based on Interim Guideline L (disclosure statement/contract terms) and Interim Guideline N (rescission period). This proposed regulation states that a supplier shall provide a copy of its disclosure statement to a customer as soon as is practical after the completion of a transaction that does not require to be verified. The supplier shall provide a disclosure statement to a customer after a transaction that involved an agent is verified. The proposed section also includes a rebuttable presumption that a customer will have received a disclosure statement, correctly addressed with sufficient first class postage attached, three days after it is deposited in the United States mail. This proposed regulation is patterned after the Commission's "mail box rule" at 52 Pa. Code § 1.56(b) (relating to date of service).

*Section 111.12. Consumer protection.*

This proposed regulation is based on Interim Guideline H (federal law/consumer protection) and Interim Guideline I (state laws/OAG/consumer protection). This section prohibits discrimination in the provision of electric generation and natural gas supply as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, and exercise of rights under the Consumer Credit Protection Act (15 U.S.C. §§ 1601—1693c). See 15 U.S.C. §§ 1691—1691f (relating to equal credit opportunity) and 12 CFR Part 202 (relating to Equal Credit Opportunity Act (Regulation B)). This requirement is consistent with the Commission's regulations relating to standards of conduct and disclosure for licensees at 52 Pa. Code § 54.43(e) and § 62.114(e), for EGSs and NGSs, respectively.

Additionally, this section requires that a supplier and its agent must comply with federal "cooling off" period for door-to-door sales: *Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations*, 16

CFR Part 429. A supplier must also comply with the Commission's regulations at 52 Pa. Code § 54.5(d) and § 62.75(d) that provide a three business day right of rescission of a transaction after the customer receives a disclosure statement.

*Section 111.13. Customer complaints.*

This proposed regulation is based on Interim Guideline P and requires that a supplier investigate all customer inquiries, disputes and complaints concerning marketing or sales practices. It further requires that a supplier cooperate with the Commission and other government agencies that are investigating complaints about prohibited marketing or sales practices. The supplier must also provide the Commission with a single contact and a list of escalation contacts to be used by Commission staff to obtain information to address customer inquiries and complaints.

This section also requires a supplier to implement an internal process for responding to, and resolving customer inquiries, disputes and complaints and to document and retain records of the resolution of these matters. Commission regulations with which such a supplier's internal process must comply are listed at the end of the section.

*Section 111.14. Notification regarding marketing or sales activity.*

This section is based on Interim Guideline K (distribution company and commission involvement). This proposed regulation requires a supplier to contact the Commission in advance of any sales or marketing efforts that the supplier anticipates may generate telephone calls and inquiries to the Commission. A slight departure from the guideline is that the supplier will now be required to provide general information about such activity to the local distribution utility. This section requires that the distribution company use this information only for informing its customer service representatives to enable them to respond to customer questions about the activity. Finally, this section requires distribution companies to refer customer questions about a supplier's prices and terms of service to the supplier.

**Conclusion**

The proposed regulations issued for comment by this order represent the first step in establishing best practices for marketing and sales activities for suppliers serving residential customers. This step was necessary to address customer concerns about various marketing strategies and sales techniques not heretofore utilized in Pennsylvania's growing retail energy market.

The proposed regulations are based for the most part on the Interim Guidelines developed by the CHARGE and SEARCH working groups, and will be applicable to both EGSs and NGSs. Thus, we encourage all interested parties to comment on these proposed regulations.

Accordingly, pursuant to sections 501, 504, 1501, 1504, 2206(b), 2208(b) and (e), 2807(d)(1) and 2809(b) and (e) of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 1501, 1504, 2206(b), 2208(b) and (e), 2807(d)(1) and 2809(b) and (e); sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5; and section 612 of the Administrative Code of 1929, 71 P. S. § 232, and the regulations promulgated thereunder at 4 Pa. Code

§§ 7.231—7.234, we are proposing to amend our regulations as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. A rulemaking docket shall be opened to promulgate regulations at 52 Pa. Code to add Chapter 111 relating to Marketing and Sales Practices for the Retail Residential Energy Market as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comments to the Independent Regulatory Review Commission and the legislative standing committees.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of written comments referencing the docket number of the proposed regulations be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. To facilitate posting, a copy of each comment filed shall be forwarded by means of e-mail to Patricia Krise Burket, pburket@state.ps.us, Daniel Mumford, dmumford@state.pa.us, and Cyndi Page, cypage@state.pa.us.

6. A copy of this order and Annex A shall be served on jurisdictional electric generation companies, jurisdictional natural gas distribution companies, licensed electric generation suppliers, licensed natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Energy Association of Pennsylvania and other parties that filed comments at the docket number M-2010-2185981.

7. The Office of Competitive Market Oversight shall electronically serve a copy of this order and Annex A on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity (CHARGE) and Stakeholders Exploring Avenues to Remove Competitive Hurdles (SEARCH).

8. A copy of this order and Annex A shall be posted on the Commission's web site at the Office of Competitive Market Oversight's web page.

9. The contact persons for this proposed rulemaking are Patricia Krise Burket, Law Bureau, (717) 787-3464 (legal) and Daniel Mumford, Bureau of Consumer Services, (717) 783-1957 (technical).

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-283. No fiscal impact; (8) recommends adoption.

*Statement of Vice Chairman Tyrone J. Christy*

Although the proposed regulations that the Commission is issuing today are well-intentioned, they are based on the assumption that door-to-door marketing is a valid marketing strategy. I invite comment from the public on this issue. In addition, I request that all of the electric distribution companies (EDCs) file information similar to that previously provided by PPL on the complaints and phone calls that they have received from their customers

concerning door-to-door marketers.<sup>2</sup> Since rate caps expired in the remaining EDC service territories on January 1, 2011, my understanding is that EDCs other than PPL have been receiving complaints from their customers about door-to-door marketers. I believe that it is important that this information be made public.

It is telling that all of the entities that represent the interests of residential consumers that filed comments in the related proceeding last year at Docket No. M-2010-2185981, *Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers*, either opposed door-to-door marketing, or expressed serious concerns about the practice. The Commission's Consumer Advisory Council (CAC) stated as follows:

The Consumer Advisory Council strongly urges the Pennsylvania Public Utility Commission to conclude that door-to-door sales of electric generation and natural gas utility service constitute "unsafe, inadequate and unreasonable service." As discussed in more detail below, door-to-door sales are fraught with danger for many consumers. Moreover, unlike the PUC and OCA web sites, door-to-door sales are designed to provide consumers with inadequate information to make an informed purchase decision. These important safety and information issues alone make door-to-door sales of electric generation and natural gas utility service unreasonable. Consequently, the Commission should conclude that door-to-door sale of such utility service should be prohibited.

\* \* \* \* \*

[T]he process of door-to-door sales contravenes the important consumer education efforts engaged in by the PUC and the OCA. . . [S]uch sales . . . will not provide consumers the same level of detail made available by these agencies, and will limit a consumer's opportunity for reflection and consideration of the information they receive at their door and should be prohibited. Unlike some other goods and services sold door-to-door, the CAC submits that electric and natural gas service are so essential and fundamental to the life of residential consumers and families that the selection process for electric and natural gas service must be an "informed and comparative purchase decision."

\* \* \* \* \*

The CAC submits that the sale of electric generation and natural gas utility service door-to-door requires greater regulation than any other sales methods because of the "physical invasion" of consumer privacy which results from door-to-door sales. The physical invasion of privacy creates an increased risk of physical harm to consumers and a greater likelihood that elderly, infirm and uneducated consumers may become victims. . . In the experience of the CAC, door-to-door sales often target the elderly. . . The CAC is extremely concerned that the elderly, infirm and uneducated consumers may be victimized by door-to-door sales through the use of unfair and deceptive trade practices. We encourage this Commission to adopt the one position which avoids this possibility and prohibit door-to-door sales of electric supply and natural gas utility service.

<sup>2</sup> Attached to my Dissenting Statement at Docket No. M-2010-2185981 was a memo prepared at my request by PPL, which provided a representative sample of calls received by PPL in response to door-to-door marketing by EGSs in PPL's service territory. The most common complaint involves EGS sales agents telling customers that they represent PPL. The most alarming complaint involves a complaint about a sales agent exposing himself in the customer's home after asking to use the bathroom.

CAC Comments at 2-5. The Pennsylvania Utility Law Project (PULP) stated as follows:

PULP respectfully submits that the Commission should proceed cautiously to ensure that the development of competitive markets does not come at the expense of other important consumer concerns, such as the safety of vulnerable customer populations and the protection of privacy. . . The proposed use of door-to-door marketing . . . places vulnerable consumer populations at too great a risk and improperly violates consumer privacy. Door-to-door marketing should be prohibited by the Interim Guidelines.

\* \* \* \* \*

Door-to-door marketing places vulnerable customers at heightened risk of unfair and deceptive trade practices. The complaints of unfair and deceptive trade practices cited most often regarding door-to-door sales are of five kinds: (1) Deception by salesmen in getting inside the door; (2) high-pressure sales tactics; (3) misrepresentation as the quality, price or characteristics of the product; (4) high prices for low-quality merchandise; and (5) the nuisance created by the visit to the home by the uninvited salesmen. Vulnerable customers are particularly susceptible to these kinds of tactics and are often targeted for door-to-door sales. . . Elderly customers, particularly those with deteriorating mental capacities associated with dementia or Alzheimer’s disease, may be ill-equipped to or uncomfortable fending off unwanted attention from persistent sales people.

\* \* \* \* \*

[L]ow-income, elderly, disabled, non-English speaking communities are particularly susceptible to unfair and deceptive trade practices that often take place in door-to-door sales. They are “easy marks” who are targeted. . . [T]he danger to vulnerable populations is real. It is a real danger that the Commission can address by prohibiting the use of door-to-door sales.

Door-to-door marketing runs counter to the intent of the Choice Acts. Another problem with door-to-door sales is that it does not support customers in making an informed choice. This is a serious deficiency since the Choice Acts, as one might suspect from their names, are built upon the assumptions that customers will make choices, informed choices. The General Assembly explicitly included in each law a requirement that information be provided to customers to support an informed decision making process. As such, consumers will need to do homework as part of the process of choosing an alternative supplier. This homework includes researching a range of options and companies to have sufficient data on which to base a reasoned decision.

\* \* \* \* \*

Door-to-door sales methods are diametrically opposed to the kind of informed decision making contemplated by the Choice Acts and the General Assembly. Door-to-door sales are high-pressure, one-sided presentations . . . Given that door-to-door sales do not lead a consumer to make an informed choice, they run counter to the intent of the Choice Acts and should not be permitted.

\* \* \* \* \*

The prohibition of door-to-door marketing would not unduly burden alternative suppliers or undermine the creation of a competitive marketplace. We live in

a world that is awash with wireless connection and multiple channels of communication—radio, television, print media, the Internet, e-mail, etc. Millions of business use these channels to market their products successfully. It seems difficult to understand why electric generation and natural gas suppliers can not do the same. . . It seems particularly questionable when it will come at the expense of consumer safety and privacy. Door-to-door-sales are not needed since there are ample other resources consumers can use to learn about alternative suppliers.

PULP Comments at 2-7.

The Office of Consumer Advocate (OCA), AARP, and Dominion Retail submitted joint comments supporting the adoption of the Interim Guidelines, and noting that it shares the Commission’s concerns about door-to-door marketing. OCA/AARP/Dominion stated as follows:

Shopping for energy supply requires thoughtful consideration of a wide range of information, including information about prices, individual customer usage patterns, other available offers, default service prices, potential termination fees, and the length of contracts in the face of price volatility. A door-to-door sales contact, where the customer may not have ready access to the necessary information for making an informed choice, and may feel pressured to make a quick decision in light of a sales agent standing in their door or home, could result in customers making less than optimal choices about their energy supply. This concern is heightened even further when door-to-door sales techniques are used with senior citizens or vulnerable customer populations. Making an informed choice is critical for these customers as the potential for getting locked into a contract that becomes unaffordable is not merely an annoyance, but a matter of their own health and safety if they are unable to pay their energy bill and face termination of service.

\* \* \* \* \*

The OCA/AARP/Dominion Retail would also note that the Commission’s concerns about customer confusion and potential for fraud or abuse in the door-to-door sales contact have been borne out in other states where this sales technique has been used. In Illinois, AARP joined with the Illinois Citizens Utility Board (CUB) in filing a complaint against a marketer related to door-to-door sales practices. The Illinois Commerce Commission and CUB had received approximately 5,630 complaints alleging various forms of misrepresentation by the sales agents for the marketer, including allegations that the sales agents were switching customers without authorization, were representing that they were from the utility, were providing misleading or incomplete information, and were taking advantage of non-English speaking or elderly customers who did not understand the transaction. The OCA/AARP/Dominion Retail submit that while there is always a potential for fraud, fraud and sales abuses can be particularly prevalent in hard-sell door-to-door solicitations as has been seen in other states.

OCA/AARP/Dominion Energy Comments at 1-2.

In addition to the concerns about unscrupulous sales agents expressed by the CAC, PULP and the OCA/AARP/Dominion Retail in their previous comments, I also am concerned that door-to-door sales will lead to instances where customers are physically assaulted and/or sub-

jected to property crimes by sales agents who have not been properly screened. Given that electricity and natural gas supply can be marketed effectively through a myriad of other ways, I invite comment on whether the Commission should continue to allow door-to-door sales of electricity and gas to residential customers.

TYRONE J. CHRISTY,  
Vice Chairperson

### Annex A

## TITLE 52. PUBLIC UTILITIES

### PART I. PUBLIC UTILITY COMMISSION

#### Subpart F. COMPETITIVE MARKETS

#### CHAPTER 111. MARKETING AND SALES PRACTICES FOR THE RETAIL RESIDENTIAL ENERGY MARKET

Sec.	
111.1.	General.
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111.6.	Agent compensation; discipline.
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111.9.	Door-to-door sales.
111.10.	Telemarketing.
111.11.	Receipt of disclosure statement and right to rescind transaction.
111.12.	Consumer protection.
111.13.	Customer complaints.
111.14.	Notification regarding marketing or sales activity.

#### § 111.1. General.

The purpose of this chapter is to establish standards and practices for marketing and sales activities for EGSs and NGSs and their agents to ensure the fairness and the integrity of the competitive residential energy market. EGSs and NGSs and their agents shall comply with these standards and practices when engaged in sales and marketing activities involving residential customers. When these standards and practices do not address a specific situation or problem, the supplier shall exercise good judgment and use reasonable care in interacting with customers, prospective customers and members of the public.

#### § 111.2. Definitions.

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

*Act*—Telemarketer Registration Act (73 P. S. §§ 2241—2249).

*Agent*—

(i) A person who conducts marketing or sales activities, or both, on behalf of a single licensed supplier. The term includes an employee, a representative, an independent contractor or a vendor.

(ii) For NGSs, the term also includes “marketing services consultant” or “nontraditional marketer” as defined in § 62.101 (relating to definitions).

*Commission*—The Pennsylvania Public Utility Commission.

*Disclosure statement*—A written disclosure of the terms of service between a supplier and a customer that satisfies the definition of “consumer contract” in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203) containing information as required in, and developed consistent with, § 54.5 (relating to disclosure state-

ment for residential and small business customers) for electric generation service and § 62.75 (relating to disclosure statement for residential and small business customers) for natural gas supply service.

*Distribution company*—An EDC or an NGDC.

*Door-to-door sales*—A solicitation or sales method whereby an agent proceeds randomly or selectively from residence to residence without prior specific appointment.

*EDC*—*Electric distribution company*—The term as defined in 66 Pa.C.S. § 2803 (relating to definitions).

*EGS*—*Electric generation supplier*—The term as defined in 66 Pa.C.S. § 2803.

*Electric generation service*—Electricity and related services.

*Energy service*—Electric generation service or natural gas supply service.

*Marketing services consultant*—The term as defined in § 62.101.

*NGDC*—*Natural gas distribution company*—The term as defined in 66 Pa.C.S. § 2202 (relating to definitions).

*NGS*—*Natural gas supplier*—The term as defined in 66 Pa.C.S. § 2202.

*Natural gas supply services*—The term as defined in 66 Pa.C.S. § 2202.

*Sales*—The extension of an offer to provide services or products communicated orally, electronically or in writing to a customer.

*Supplier*—An EGS or an NGS.

*Telemarketing*—An activity, plan, program or campaign using one or more telephones that is conducted to induce customers to purchase goods or services. See section 2 of the act (73 P. S. § 2242), regarding definitions.

#### § 111.3. Supplier liability for its agent.

(a) A supplier may use an agent to conduct marketing or sales activities in accordance with Federal, State and municipal laws and applicable Commission rules, regulations and orders.

(b) In accordance with § 54.43(f) (relating to standards of conduct and disclosure for licensees) for an EGS and § 62.114(e) (relating to standards of conduct and disclosure for licensees) for an NGS, a supplier is responsible for fraudulent, deceptive or other unlawful marketing or billing acts performed by its agent.

(c) Consistent with due process, for violations of State and Federal law committed by the supplier’s agent, the Commission may:

(1) Suspend or revoke a supplier’s license.

(2) Impose fines for fraudulent acts, violations of Commission regulations and orders.

#### § 111.4. Agent qualifications and standards; criminal background investigations.

(a) A supplier shall exercise good judgment in developing standards and qualifications for individuals it chooses to hire as its agents. A supplier may not hire an individual that fails to meet its standards.

(b) Prior to hiring an individual who will be performing door-to-door marketing and sales activities, a supplier shall conduct criminal background investigations to deter-

mine if the individual presents a probable threat to the health and safety of the public.

(1) The criminal background investigation shall include checking the sex offender registry commonly referred to as the Megan's Law registry maintained by the Pennsylvania State Police.

(2) There shall be a presumption that a person whose name is listed on the Megan's Law registry presents a threat to the health and safety of the public.

(c) When a supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background investigations on its employees and agents in accordance with this section and with the standards set by the supplier.

**§ 111.5. Agent training.**

(a) A supplier shall ensure the training of its agents on the following subjects:

(1) State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales, including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service).

(2) Responsible and ethical sales practices.

(3) The supplier's products and services.

(4) The supplier's rates, rate structures and payment options.

(5) The customer's right to rescind and cancel contracts.

(6) The applicability of an early termination fee for contract cancellation when the supplier has one.

(7) The necessity of adhering to the script and knowledge of the contents of the script if one is used.

(8) The proper completion of transaction documents.

(9) The supplier's disclosure statement.

(10) Terms and definitions related to energy supply, transmission and distribution service.

(11) Information about how customers may contact the supplier to obtain information about billing, disputes and complaints.

(b) A supplier shall document the training of an agent and maintain a record of the training.

(c) A supplier shall make training materials and training records available to the Commission upon request. A supplier is not required to submit training materials and programs for advance Commission review and approval.

(d) When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided training to employees, agents and independent contractors in accordance with this section.

(e) The supplier shall monitor a representative sample of telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the supplier's training program.

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

**§ 111.6. Agent compensation; discipline.**

(a) A supplier shall design its agent compensation program to ensure that it does not promote, encourage or reward behavior than runs counter to the practices established in this chapter and to the general obligation of fair dealing and good faith that a supplier should exercise when interacting with customers.

(b) In developing internal agent discipline practices and procedures, a supplier shall incorporate the Commission's long-standing zero-tolerance policy regarding the unauthorized transfer of customer accounts and the violation of other consumer protections. A supplier shall consider the legal consequences faced by a supplier that fails to properly train and supervise its agents.

**§ 111.7. Customer authorization to transfer account; transaction; verification; documentation.**

(a) A supplier shall establish a transaction process for a customer to authorize the transfer of the customer's account to the supplier.

(1) The process may include the following:

(i) The formation of a written or oral contract when a customer knowingly authorizes the transfer of the customer's account to a supplier.

(ii) The enrollment of a customer in a program when a customer knowingly authorizes, orally or in writing, the transfer of the customer's account to a supplier.

(iii) The subscription of a customer to a program when a customer knowingly authorizes, orally or in writing, the transfer of the customer's account to a supplier.

(2) A document used to complete a transaction shall include a means to identify the agent who completed the transaction and a notation indicating whether the transaction was the result of:

(i) A door-to-door call or other in-person contact with an agent.

(ii) A telephone contact with an agent.

(iii) A written document completed and mailed to a supplier by a customer outside the presence of, or without interaction with, an agent.

(iv) An electronic document completed and uploaded to a supplier's web site or e-mailed to a supplier by a customer outside the presence of, or without interaction with, an agent.

(3) A supplier shall provide a copy of documentation used in a customer transaction to the Commission upon request.

(b) A supplier shall establish a process to verify a transaction that involved an agent. The process shall confirm that the customer authorized the transfer of the customer's account to the supplier. This subsection does not apply to a transaction that was completed solely by the customer as set forth in subsection (a)(2)(iii) and (iv).

(1) A supplier may use a third party to verify transactions.

(2) The verification process shall be separate from the transaction process and initiated only after the transaction has been finalized.

(i) When verifying a transaction that resulted from an agent's in-person contact with a customer in a public location, the verification process shall be initiated only after the customer leaves the vicinity of the agent.

(ii) When verifying a transaction that resulted from an agent's contact with a customer at the customer's residence, the verification process shall be initiated only after the agent has physically exited the customer's residence.

(3) A customer shall be informed of the 3-business-day right of rescission of the transaction under §§ 54.5(d) and 62.75(d) (relating to disclosure statement for residential and small business customers) at the end of the verification process contact.

(4) A supplier shall maintain a record of a verification in a system that is capable of retrieving the record by customer name and customer account number for a period of time equivalent to at least six billing cycles to enable compliance with § 57.177 (relating to customer dispute procedures) for an EGS and § 59.97 (relating to customer dispute procedures) for an NGS.

(5) The verification record shall include the transaction documents and the following information:

- (i) The date that the transaction was completed.
- (ii) The name or identification number of the agent that completed the transaction.
- (iii) The date of the verification.
- (iv) The name or identification number of the individual that conducted the verification.
- (v) The results of the verification.
- (vi) The date that the disclosure statement was provided to the customer and the method by which it was provided.

(6) A supplier shall provide copies of verification records to the Commission upon request.

(c) When a supplier is informed that a transaction could not be verified, the supplier shall contact the customer by telephone, e-mail or letter and explain that the transaction could not be verified. The supplier may offer assistance to correct the problem so that the transaction can be resubmitted to the verification process.

#### § 111.8. Agent identification; misrepresentation.

(a) A supplier shall issue an identification badge to agents who conduct door-to-door activities or appear at public events. The badge must:

- (1) Accurately identify the supplier, its trade name and logo.
- (2) Display the agent's photograph.
- (3) Display the agent's full name and identification number in reasonably sized font.
- (4) Be visible at all times.

(b) Upon first contact with a potential customer, an agent shall identify the supplier that he represents. The agent shall state that he is not working for and is independent of the customer's local distribution company or other supplier. This requirement shall be fulfilled either by an oral statement by the agent or by written material provided by the agent.

(c) When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that are deceptively similar to that of the local Pennsylvania distribution company.

(d) A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, distribution company or government agency in a way that suggests a relationship that does not exist.

(e) An agent of a supplier that is an affiliate of a distribution company shall comply with the rules regarding affiliate marketing in § 54.122 (relating to code of conduct) for an EGS and in § 62.142 (relating to standards of conduct) for an NGS.

#### § 111.9. Door-to-door sales.

(a) A supplier and its agents shall comply with local ordinances regarding door-to-door marketing and sales activities.

(1) A supplier shall limit door-to-door marketing or sales activities to the hours between 9 a.m. and 7 p.m. during the 6 months beginning October 1 and ending March 31, and to the hours between 9 a.m. and 8 p.m. during the months beginning April 1 and ending September 30. When a local ordinance has stricter limitations, a supplier shall comply with the local ordinance.

(2) As a courtesy, a supplier shall notify the local municipal officials in advance of its schedule and the locations in which it intends to conduct door-to-door marketing and sales activities.

(b) A supplier and its agents shall comply with State and Federal laws and regulations that govern marketing, consumer protection and door-to-door sales including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and the applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service).

(c) When conducting door-to-door sales or marketing activities, an agent shall display his identification badge issued by the supplier. The identification shall be visible at all times.

(d) When engaging in door-to-door sales or marketing activities, an agent shall comply with the following:

(1) After greeting the potential customer, the agent shall immediately identify himself by name, the supplier the agent represents and the reason for the visit. The agent shall state that he is not working for and is independent of the local distribution company or another supplier.

(2) The agent shall offer a business card or other material that lists the agent's name, identification number and title and the supplier's name and contact information, including telephone number. This information does not need to be preprinted on the material. When the information is handwritten, it shall be printed and legible.

(e) When a customer's English language skills are insufficient to allow the customer to understand and respond to the information being conveyed by the agent, or when the customer or a third party informs the agent of this circumstance, the agent shall find another agent who is fluent in the customer's language to continue the sales or marketing activity. If the agent cannot find another agent to help with translation, the agent shall terminate contact with the customer. The agent shall use translation services, electronic language translation devices and language identification cards only to identify the language spoken by the potential customer.

(f) When an agent completes a transaction with a customer, the agent shall:

(1) Provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent leaves the customer's residence. If requested by the customer, a copy of the materials used by the agent during the call shall be provided to the customer as soon as practical.

(2) Explain the supplier's verification process to the customer and that the verification process may not be initiated until after the agent has left the customer's residence.

(3) State that the supplier shall send a copy of the disclosure statement about the service to the customer after the transaction has been verified.

(4) State that the customer may cancel the transaction within 3 business days after receiving the disclosure statement.

(g) An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises.

(h) A supplier shall comply with an individual's request to be exempted from door-to-door marketing and sales contacts and annotate its existing marketing or sales databases consistent with this request.

#### § 111.10. Telemarketing.

(a) A supplier and its agents shall comply with State and Federal laws and regulations that govern marketing, consumer protection and telemarketing sales including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service).

(1) A supplier that is licensed by the Commission and engages in telemarketing is not required to register as a telemarketer under section 3(a) of the act (73 P.S. § 2243(a)), regarding registration requirement, but shall comply with other provisions of the act.

(2) An agent that contracts with a supplier to conduct telemarketing and sales activities on behalf of the supplier shall register as a telemarketer and comply with the act.

(3) A supplier and its agents shall comply with the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C.A. §§ 6101—6108) and 16 CFR Part 310 (relating to telemarketing sales rule).

(4) Customer consent to the release of customer information by the distribution company to the supplier to enable competitive solicitations does not constitute an express intent to receive telephone solicitation calls. See section 5 of the act (73 P.S. § 2245), regarding unlawful acts and penalties. See the definition of "do not call list" in section 2 of the act (73 P.S. § 2242).

(b) An agent who contacts customers by telephone shall provide the agent's first name and state the name of the supplier on whose behalf the call is being made. The agent shall provide his identification number upon request by the customer.

(c) When an agent completes a transaction with a customer, the agent shall explain the supplier's verification process to the customer and state that the supplier will send a copy of the disclosure statement and other material about the service to the customer after the transaction has been verified. At the end of the telephone contact, the agent shall state that the customer may rescind the transaction within 3 business days after receiving the disclosure statement.

#### § 111.11. Receipt of disclosure statement and right to rescind transaction.

(a) When a transaction is completed by a customer without the presence of or interaction with an agent and is not submitted to the verification process, a supplier shall provide the customer with a copy of its disclosure statement as soon as it is practical. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement.

(b) After a transaction that involved an agent has been completed and verified, a supplier shall provide the customer with a copy of its disclosure statement. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement.

(c) There shall be a rebuttable presumption that a disclosure statement correctly addressed to a customer with sufficient first class postage attached shall be received by the customer 3 days after it has been properly deposited in the United States mail.

#### § 111.12. Consumer protection.

(a) A supplier and its agents may not discriminate in the provision of electric generation and natural gas as to availability and terms of service to a customer based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income and exercise of rights under the Consumer Credit Protection Act (15 U.S.C.A. §§ 1601—1693r) and 12 CFR Part 202 (relating to Equal Credit Opportunity Act (Regulation B)). This requirement is consistent with § 54.43(e) (relating to standards of conduct and disclosure for licensees) for EGSs and § 62.114(e) (relating to standards of conduct and disclosure for licensees) for NGSs.

(b) A supplier and its agents that engage in door-to-door marketing or sales shall comply with the Federal cooling-off period requirements. See 16 CFR Part 429 (relating to rule concerning cooling-off period for sales made at homes or at certain other locations).

(c) A supplier and its agents shall comply with the 3-business-day cooling off period requirement in § 54.5(d) (relating to disclosure statement for residential and small business customers) that applies to EGSs and § 62.75(d) (relating to disclosure statement for residential and small business customers) that applies to NGSs.

#### § 111.13. Customer complaints.

(a) A supplier shall investigate customer inquiries, disputes and complaints concerning marketing or sales practices. The supplier shall cooperate with the Commission and other government agencies that are investigating complaints about marketing or sales practices prohibited by State and Federal laws and with local law enforcement officials that are investigating complaints about violations of local municipal law.

(b) A supplier shall implement an internal process for responding to and resolving customer inquiries, disputes and complaints. The process shall document as a record



the customer inquiry, dispute or complaint, subsequent communications between the supplier and the customer, and the resolution of the inquiry, dispute or complaint. A supplier shall retain the record for a time period equivalent to six billing cycles in a system capable of retrieving that record by customer name and account number.

(c) The internal process shall comply with the applicable dispute regulations including:

- (1) Section 54.9 (relating to complaint handling process).
  - (2) Section 56.141 (relating to dispute procedures).
  - (3) Section 56.151 (relating to general rule).
  - (4) Section 56.152 (relating to contents of the public utility company report).
  - (5) Section 57.177 (relating to customer dispute procedures).
  - (6) Section 59.97 (relating to customer dispute procedures).
  - (7) Section 62.79 (relating to complaint handling process).
- (d) A supplier shall provide a single contact and a list of designated escalation contacts for the Commission staff to access to address consumer inquiries and resolve complaints.

**§ 111.14. Notification regarding marketing or sales activity.**

(a) When a supplier engages in marketing or sales activity that the supplier anticipates may generate phone calls and inquiries to the Commission, the supplier shall notify the Bureau of Consumer Services no later than the morning of the day that the activity shall begin. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

(b) A supplier shall provide the local distribution company with general, nonproprietary information about the marketing or sales activity that caused the supplier to provide notice to the Commission in accordance with subsection (a). The supplier shall provide this general information to the distribution company no later than the morning of the day that the marketing or sales activities begin. The distribution company shall use this information only for acquainting its customer service representatives with marketing or sales activity occurring in its service territory so that they may knowledgably address customer inquiries. Consistent with § 54.122 (relating to code of conduct) for an EDC and § 62.142 (relating to standards of conduct) for an NGDC, a distribution company may not use the information for other purposes.

(c) In responding to a customer inquiry about price and service, a distribution company may provide information about its own price and terms but shall refer the customer to the supplier for questions about the supplier's prices and terms.

[Pa.B. Doc. No. 11-1789. Filed for public inspection October 21, 2011, 9:00 a.m.]

**[ 52 PA. CODE CH. 33 ]**

[L-2011-2233841]

**Railroad Transportation**

The Pennsylvania Public Utility Commission (Commission), on March 31, 2011, adopted a proposed rulemaking order which amends the Commission's existing regulations in Chapter 33 (relating to railroad transportation) to reflect the technological and operational changes in the railroad industry and to reflect current Federal standards.

*Executive Summary*

The Pennsylvania Public Utility Commission is vested with jurisdiction over railroad common carriers operating within Pennsylvania. 66 Pa.C.S. §§ 102, 501, 1101, 1102, 1103. In furtherance of this statutory charge, the Commission has promulgated regulations governing railroad common carriers. 52 Pa. Code Chapter 33. Due to operational and technological changes in the industry and Federal preemption and standards, the Commission has proposed modifications to its current regulations.

Proposed changes to regulations governing railroad transportation include updated references and terminology, deletion of outdated references and regulations, proper reflection of federal law impacting regulation, and deletion of vestigial regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2011, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Public Meeting held  
March 31, 2011

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

***Proposed Rulemaking Amending 52 Pa. Code Chapter 33; Docket No. L-2011-2233841***

**Proposed Rulemaking Order**

*By the Commission:*

On November 6, 2009, we issued a Notice that the Commission sought to review the existing Railroad Transportation Regulations found at 52 Pa. Code Chapter 33, in order to seek more efficient and effective means to regulate the rail industry. *Review of Existing Railroad Transportation Regulations; 52 PA Code Chapter 33, Docket No. M-2009-2140262.* The Notice indicated that the Commission's regulations pertaining to railroads should reflect the technological and operational changes

of the railroad industry that have occurred over the last 30 years and reflect current Federal standards. The Notice further indicated that the review is intended to “ensure that the regulations address a compelling public interest; ensure that the costs of regulation do not outweigh the benefits; are written in a clear and concise manner; and, where Federal regulations exist, the Commission’s regulations should not exceed Federal standards unless justified by a compelling Commonwealth interest or required by State law.” The Notice was published in the *Pennsylvania Bulletin* on November 28, 2009 at 39 Pa.B. 6851. Comments and reply comments to the Notice were filed by various railroads, associations and unions. Having reviewed the comments and replies, we now propose the following changes to the Commission’s regulations at 52 Pa. Code Chapter 33. We note that this proposal is not an exhaustive compilation of our regulations that may be in need of revision. Rather, today we address those provisions which clearly require revision, based on observation and comments.

§ 33.1. *Definitions.*

The Commission proposes changing the definitions, as indicated, to be consistent with Federal Railroad Administration (FRA) regulations and current terminology.

§ 33.11. *General.*

The Commission proposes changing this provision to include updated references to the appropriate Commission Bureau for reporting accidents and incidents, and to delete those provisions that are inconsistent with current law.

§ 33.12. *Reportable accidents.*

The Commission proposes modifying this provision to be consistent with FRA regulations for reportable accidents. 49 C.F.R. Part 225. The Commission proposes deleting specific definitions of reportable accidents contained in the current regulation and adopting definitions provided by Federal law.

§ 33.13. *Telegraph and telephone reports.*

The Commission proposes modifying this provision to provide notification consistent with FRA regulations for telephone reports. 49 C.F.R. Part 225. The Commission proposes deleting specific circumstances requiring telephonic notification of accidents contained in the current regulation and adopting Federal telephonic reporting standards.

§ 33.14. *Accident report forms.*

The Commission proposes modifying this provision consistent with FRA regulations for accident report forms. 49 C.F.R. § 225.21. The Commission proposes deleting report forms delineated in the current regulation and adopting report forms required by Federal law.

§ 33.31. *Regulations and procedure.*

The Commission proposes modifying this provision to reflect proper statutory references to the Public Utility Code.

§ 33.41. *Bridge or tunnel warnings.*

The Commission proposes modifying this provision to reflect proper references to the American Railway Engineering and Maintenance of Way Association.

§ 33.54. *Federal Safety Regulations*

The Commission proposes amending this provision to delete outdated references to Federal law and to accu-

ately reflect the relationship of state and federal law in the area of safety regulation.

§ 33.61. *Track, cars and four-wheel self-propelled maintenance-of-way cars.*

The Commission proposes deleting this provision due to FRA regulations governing this subject matter. 49 C.F.R. Part 214.

§ 33.66. *Safety glazing in railroad equipment.*

The Commission proposes deleting this provision due to FRA regulations governing the subject matter. 49 C.F.R. Part 223.

§ 33.71—§ 33.77. *Regulations governing passenger train service.*

The Commission proposes deleting these provisions since they are obsolete and no longer applicable to passenger train service provided in Pennsylvania.

§ 33.81—§ 33.84. *Regulations governing track.*

The Commission proposes deleting these provisions due to FRA regulations governing the subject matter. 49 C.F.R. Part 213.

§ 33.101. *Accounts.*

The Commission proposes amending this provision to provide updated references to the appropriate Federal agency, the Surface Transportation Board.

§ 33.102. *Records.*

The Commission proposes amending this provision to provide updated references to the appropriate Federal agency, the Surface Transportation Board.

§ 33.103. *Reports.*

The Commission proposes amending this provision to delete the annual report requirement and to provide updated references regarding the Commission’s assessment report.

§ 33.113. *Training of equipment inspectors.*

The Commission proposes deleting this provision due to FRA regulations governing the subject matter. 49 C.F.R. Parts 172, 215, and 232.

Annex A, proposed regulations, is permitted by Sections 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and chapter 27 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law, 45 P. S. §§ 1201—1208, and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we propose to amend the regulations at Chapter 33 as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

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

3. The Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly and for review and comment by the Independent Regulatory Review Commission.

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

5. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and fifteen copies of any comments concerning this order should be submitted to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597 or through the Pennsylvania AT&T Relay Center, (800) 654-5988. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

6. A copy of this order shall be served on all commenta-tors to the original Notice.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-286. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart B. CARRIERS OF PASSENGERS OR**  
**PROPERTY**  
**CHAPTER 33. RAILROAD TRANSPORTATION**  
**Subchapter A. GENERAL PROVISIONS**

**§ 33.1. Definitions.**

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

\* \* \* \* \*

*Bureau*—The Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission.

\* \* \* \* \*

*Camp car or trailer*—[A movable car used for housing railroad employes, including portable housing. The term, if used collectively, means a group of sleeping, dining, kitchen or recreation cars furnished for the use of any one gang or group of employes. Camp cars or trailers shall be of safe construction and suitable for the purposes for which used.]

(i) An on-track vehicle mounted on flat cars used to house rail employees including the following:

- (A) Outfit cars.
- (B) Camp cars.
- (C) Bunk cars.
- (D) Modular homes.

(ii) The term does not include wreck trains.

*Carrier*—Any railroad, railway company or corporation subject to Commission jurisdiction, which operates [a steam or electric railroad] in this Commonwealth.

\* \* \* \* \*

**Subchapter B. SERVICE AND FACILITIES**  
**ACCIDENTS**

**§ 33.11. General.**

[ (a) If an accident occurs in a yard or on a road or division operated jointly or in common by two or more carriers, it shall be reported by the carrier which employs the superintendent who is in imme-

diated charge of the yard, road, or division in question. An accident occurring on a private siding or track of like character shall be reported by the carrier having possession of the locomotive involved or responsible for the subsequent movement in commerce of the railroad equipment involved, or employing the person injured or killed.

(b) ] Each carrier shall submit a report of each reportable accident or incident involving its facilities or operation in this Commonwealth. [ Such reports ] Reports shall be addressed to the Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania [ 17120 ] 17105-3265.

**§ 33.12. Reportable accidents or incidents.**

[ (a) ] A reportable accident or incident is one [ arising from the operation of a carrier which results in one or more of the following circumstances: ] as defined in 49 CFR (relating to transportation) and when a carrier is required to report to the Federal Railroad Administration under 49 CFR.

[(1) The death of a person in a train or train service accident or of a passenger or traveller not on a train or on company premises in a nontrain accident, or an employe, unless the employe accident occurs in connection with new construction, in repair shops, engine houses, freight or passenger stations or accident at coal or water stations which do not occur directly as the result of the operation of a train or trains.

(2) Injury to a person other than an employe, in a train or train service accident, or to a passenger or traveller not on a train in a nontrain accident, sufficient to incapacitate the injured person from performing his or her customary vocation or mode of life, for a period of more than one day.

(3) Injury to an employe, unless the accident occurs in connection with new construction, in repair shops, engine houses, freight or passenger stations or accidents at coal or water stations which do not occur directly as the result of the operation of a train or trains, sufficient to incapacitate the injured person from performing his or her ordinary duties for more than three days in aggregate during the ten days immediately following the accident. This paragraph applies to employes on duty and to those classed as not on duty, but does not apply to employes classed as passengers or trespassers.

(4) For the year 1948, damage to railroad property amounting to more than \$250, including the expense of clearing wreck, but no damage to or loss of freight, animals, or property of noncarriers on or adjacent to right of way. For years subsequent to 1948, such minimum amount shall be that adopted by United States Department of Transportation. Casualties, as provided for in this section, shall be included in the report.

(5) All accidents occurring at highway-railroad crossings, at grade, involving contact between engines or trains and highway vehicles or pedestrians, irrespective of the amount of property damage or extent of casualties.

(6) Nontrain accidents involving highway vehicles running into and damaging crossing gates

and other types of protection shall be reported on Monthly Statement Form UCTA-31, or such accidents may be reported individually on Form UCTA-7. ]

§ 33.13. [ Telegraph and telephone ] Telephone reports.

A carrier shall immediately report by telephone [ or telegram shall be made immediately in the event of the occurrence of a reportable accident resulting in fatalities, except as to trespassers, and of train collisions and passenger train derailments, as follows: ] to the Bureau at (717) 787-9732 an accident or incident which requires the carrier to telephonically notify the Federal Railroad Administration under 49 CFR (relating to transportation).

[ (1) A preliminary report shall be submitted by telephone or telegram of a reportable accident resulting in the death of a person, except trespassers, in an accident defined in § 33.12 (relating to reportable accidents) or in the death of any person, trespasser or otherwise, in an accident defined in § 33.12.

(2) A preliminary report shall be submitted by telephone or telegram of a reportable accident involving the collision of an engine or train with another engine or train.

(3) A preliminary report shall be submitted by telephone or telegram of a reportable accident resulting in injury to an employe, except trespassers, in an accident as defined in § 33.12.

(4) A preliminary report shall be submitted by telephone or telegram of a reportable accident resulting from the derailment of any part of a passenger train carrying passengers.

(5) A preliminary report shall be submitted by telephone or telegram of any accident which occurs at any highway-railroad crossing at grade and involves a collision between an engine or train and a bus, taxicab, street car, or loaded gasoline or oil truck or trailer, regardless of whether the accident results in injury to a person or persons and such preliminary report shall furnish the name of the operator and of the owner of the vehicle.

(6) A preliminary report shall be submitted by telephone or telegram of any condition which will result in the obstruction of a main track for a period in excess of two hours. ]

§ 33.14. Accident or incident report forms.

[ Reports shall be made on prescribed accident report forms of the Commission (UCTA-1, UCTA-2, UCTA-7 and Statement Form UCTA-31), as follows:

(1) *UCTA-1.* If no reportable accident has occurred during a month the carrier shall submit a report to that effect on Form UCTA-1. Such report shall be mailed to the Commission on or before the 30th day of the month following.

(2) *UCTA-2.* Reports of accidents to employes, passengers, trespassers, and others and nontrain accidents to employes, passengers, and travellers not on trains shall be made on Form UCTA-2 and shall be filed with the Commission on or before the 30th day of the month following that in which the reportable accident occurred. Form UCTA-2 is so

prepared that it corresponds to the United States Department of Transportation Form FRA F 6180-54, with respect to spacing, and it may be prepared as a carbon copy of the Form FRA F 6180-54. A carbon copy of Form LIBC-344 to the Workmen's Compensation Bureau will be accepted by the Commission in lieu of Form UCTA-2 in filing a report of reportable nontrain accidents involving employes injured and incapacitated for more than three days. Accidents to be reported on Form UCTA-2 do not include those occurring in connection with new construction in repair shops, engine houses, freight or passenger stations, or accidents at coal and water stations which do not occur directly as the result of the operation of a train or trains. Reports shall be filed of accidents resulting in injury to employes while engaged in repairing track, work on or about bridges, telephone, telegraph and catenary wires, and the like or of any similar nontrain accident, if incapacitation is for more than three days in the aggregate during the ten days immediately following the accident. Reportable injuries to employes arising from the operation of section motor or hand cars (equipment chargeable to Account 37, Roadway Machines) shall be reported on Form UCTA-2 or by carbon copy of Form LIBC-344.

(3) *UCTA-7.* Highway-railroad crossing at grade accidents shall be reported on Form UCTA-7, and shall be filed with the Commission on or before the 30th day of the month following that in which the accident occurred. All accidents which occur at public highway crossings and involve damage to crossing gates or flashing-light signals by a highway vehicle which does not collide with an engine or train shall be listed and reported on Form UCTA-31 at the end of each month, or, in lieu of filing such statement, the carrier may file an individual report of each such accident on Form UCTA-7. If report of an accident is submitted on Form UCTA-7, a report of the accident on Form UCTA-2 is not required. Accidents involving highway collisions between section motor cars or hand cars and highway vehicles or pedestrians at public or private highway crossing shall be reported on Form UCTA-7. All accidents which occur at public or private crossings and involve collision between engines or trains and vehicles or pedestrians shall be reported on Form UCTA-7, irrespective of the extent of casualties or the amount of damages to carrier property.

(4) *UCTA-31.* Monthly reports of nontrain accidents which involve damage to crossing gates and flashing-light signals and are defined in § 33.12(a) (relating to reportable accidents) shall be reported on Form UCTA-31 and shall be filed with the Commission on or before the 30th day of the following month. In lieu of filing monthly statements on Form UCTA-31, the carrier, if it so desires, may file individual reports on Form UCTA-7 of such accidents occurring during the month. ]

Carriers shall make reports to the Bureau on forms which the carrier shall file with the Federal Railroad Administration as prescribed by 49 CFR (relating to transportation). Reports shall be submitted to the Commission within the same time period as the reports are required to be submitted to the Federal Railroad Administration under 49 CFR.

### CONSTRUCTION, ALTERATION OR RELOCATION OF CROSSINGS

#### § 33.31. Regulations and procedure.

Each carrier shall comply with [ the provisions of section 409 of the Public Utility Law of 1937 (66 P.S. § 1178), ] 66 Pa.C.S. § 2702 (relating to construction, relocation, suspension and abolition of crossings) and obtain Commission approval of the construction, alteration, or relocation of every public highway and railroad crossing at grade, above grade, or below grade, unless the Commission has given its prior unconditional consent to an abandonment of service or facilities of the line of railroad upon which such crossing or crossings are located.

### SAFETY—BRIDGES, TUNNELS, TRESTLES AND SWITCHES

#### § 33.41. Bridge or tunnel warnings.

(a) Common carriers shall install and maintain warnings of the telltale or taper type at a reasonable distance on each side of bridges, tunnels, or other obstructions over main tracks, main track sidings, yard and switching tracks in accordance with the specifications of the American Railway Engineering and Maintenance of Way Association or existing standard plans of individual railroads.

\* \* \* \* \*

### OPERATION OF TRAINS

#### § 33.54. Federal safety regulations.

The safety regulations of the United States Department of Transportation [ , specifically the regulations adopted by section 2 of the act of April 11, 1958, Pub. L. 85-375 (45 U.S.C.A. § 9), and by the Safety Appliance provisions of Title 45 of United States Code (45 U.S.C.A. §§ 1—16), ] shall supplement the provisions of this chapter [ , unless such Federal regulations are in conflict with such provisions ] and control when State regulations are preempted. However, a violation of the Federal regulations which is not otherwise a violation of this chapter [ shall ] may not be subject to additional penalty for the same violation if penalized by a Federal tribunal.

### SANITATION AND SAFETY FACILITIES AND EQUIPMENT

#### § 33.61. [ Track cars and four-wheel self-propelled maintenance-of-way cars ] (Reserved).

[ After December 31, 1959, all track cars and four-wheel self-propelled maintenance-of-way cars used in this Commonwealth shall be equipped with all of the following safety equipment and appurtenances:

(1) A windshield of safety glass and of adequate size to provide clear vision of the track and conditions ahead for the operator of the car.

(2) A canopy or top of suitable material for attachment to the car and capable of protecting the occupants of the car from rain, snow, or other inclement weather.

(3) An electric headlight, either permanently attached or a portable light in a fixed bracket, capable of illuminating the roadway ahead a distance sufficient to permit safe operation of the car.

(4) A permanently attached electrically energized red taillight to protect the track car from any following movement.

(5) A manual or automatic windshield wiper sufficient in size to provide vision of the track and conditions ahead for the operator of the car. ]

#### § 33.66. [ Safety glazing in railroad equipment ] (Reserved).

[ (a) Every railroad over which the Commission has jurisdiction, operating within this Commonwealth, shall provide safety glazing in all windows and doors in lieu of other glazing in all cars, cabin cars and locomotives used in the transportation of passengers and employes of the company, including those engaged in the operation of the equipment.

(b) "Safety glazing material," as used in this section, shall be construed to mean any glass or transparent product manufactured or fabricated in such manner as substantially to prevent shattering and flying of the glass or transparent product when struck or broken, and which is approved by the Commission for use in appropriate locations.

(c) One third of all equipment, to which this section applies, of each railroad shall be in compliance with the provisions of this section on or before July 31, 1975; 2/3 of such equipment shall be in compliance by July 31, 1976; and the remaining equipment shall be so equipped on or before July 31, 1977; in any event equipment not in compliance shall not be operated within this Commonwealth after July 31, 1977.

(d) Glazing material used in automotive-type railroad equipment designed for use on land highways shall be in conformance with Federal Rules and Regulations—49 CFR Part 571 (relating to Federal motor vehicle safety standards).

(e) The minimum standards for glazing material used in railroad equipment, other than automotive-type equipment designed for use on land highways, shall be standards described in USAS Z26.1-1966 and in Underwriters Laboratories Standard for Safety UL 972 insofar as it has been adopted as American National Standard designated ANSI SE4.5-1972, with exceptions as noted and for use in locations as set forth in subsection (f).

(f) Reference should be made to the Table 1-Page 11-Grouping of Tests-USAS Z26.1 and numbered paragraphs on pages dated June 2, 1972 ANSI SE4.5-1972:

(1) *Safety Glazing Material for use in windshields for locomotives, railroad equipment and engineman's compartments of multiple unit cars.* Glazing material for use in windshields shall have minimum properties as determined by tests listed in Item 1, Table 1 USAS Z26.1-1966.

(2) *Safety Glazing Material for use in side windows of locomotives, railroad equipment, engineman's compartments of multiple unit cars and in cabin cars.* Glazing materials for use in side windows shall have minimum properties as determined by tests listed in Item 4, Table 1 USAS Z26.1-1966, with the following exceptions:

(i) Rigid plastic material may be coated.

(ii) In lieu of the ball impact test in Item No. 4 USAS Z26.1 the material shall be qualified under Test No. 4 Multiple Impact Test; Test No. 5 Thermal Conditioning Test for Outdoor Use; and Test No. 7 High-Energy Impact Test as described on Pages 5, 6 and 7 dated June 1972 of ANSI SE4.5-1972.

(iii) That material shall be tested for abrasion resistance by testing in the manner described in Test No. 17 USAS Z26.1 except the specimens shall be subjected to abrasion for 300 cycles and the results interpreted on the basis of the arithmetic mean of the percentages of light scattered by the three abraded specimens not exceeding 5.0%.

(3) *Safety Glazing Material for use in passenger car windows and doors except for engineman's compartments in multiple unit cars.* Glazing materials for use in windows and doors shall have the minimum properties as determined by tests listed in Items 3 or 5-Table 1 USAS Z26.1 except that rigid plastics may be coated and shall show abrasion resistance as described in paragraph (2)(iii).

(4) *Marking.* Marking of safety glazing material shall be in accordance with Paragraph 6 USAS Z26.1 and Paragraph 8 on Page 7 dated June 1972 of ANSI SE4.5-1972. ]

[ PASSENGER TRAIN SERVICE ]

§ 33.71. [ Abandonment of service ] (Reserved).

[ A certificate of public convenience evidencing Commission approval of the abandonment of intrastate passenger train service shall be obtained prior to the withdrawal of such service on any line of railroad. ]

§ 33.72. [ Changes in schedules ] (Reserved).

[ An application shall be filed with, and approved by, the Commission prior to the removal, elimination, or substantial change in the schedule of any passenger train, except the following:

(1) Interstate passenger trains which provide no intrastate passenger transportation for compensation between two or more cities, boroughs, or villages in this Commonwealth.

(2) Interstate trains performing intrastate service between two or more municipalities in this Commonwealth, provided the carrier elects to provide temporarily a comparable intrastate service by means of a new intrastate train.

(3) Train removals, eliminations, or schedule changes affecting intrastate passenger service on only one day a week.

(4) Suburban service exempted from this requirement by other provisions of this chapter. ]

§ 33.73. [ Long-distance trains ] (Reserved).

[ Upon application for exemption from intrastate classification, the Commission may exempt from its jurisdiction specified interstate trains making two or more stops in this Commonwealth, upon a showing that adequate intrastate service is available by trains of the same grade operated within a reasonably short time before or after the interstate train. ]

§ 33.74. [ Suburban trains ] (Reserved).

[ Section 33.73 (relating to long-distance trains) does not apply to the operation of trains on suburban runs of less than 35 miles, if the number of trains removed constitutes not more than 10% of the number of trains operated 5 or more days a week in such service on the particular run and the loss of passengers on the run, compared with a like period of the preceding year, exceeds 10%. Such section shall also not apply to the operation of trains on Saturdays, Sundays, and holidays in such service, if the average number of passengers per train on such days does not exceed 60% of the average number of passengers per train for the period Monday to Friday, inclusive, nor to the temporary curtailment of service for periods not exceeding three months to meet seasonal adjustments of traffic demands, if such practice has been effectuated in like periods of prior years to the same or greater extent. ]

§ 33.75. [ Posting of notice ] (Reserved).

[ The public and the Commission shall be given 15 days advance notice of any changes in intrastate passenger train service, except those trains subject to the filing of application. Notice to the public shall be posted at a conspicuous location at each station affected. ]

§ 33.76. [ Additional trains ] (Reserved).

[ Nothing contained in §§ 33.71—33.77 shall prevent rail carriers from operating extra passenger trains, extra sections of scheduled trains, or the scheduling of additional passenger trains. If prior notification to the Commission of temporary or trial operation of such additional schedule is given, Commission approval as set forth in §§ 33.71—33.77, will not be required for the removal or termination of such temporary or trial service, or schedule. ]

§ 33.77. [ Saving clause ] (Reserved).

[ Nothing contained in §§ 33.71—33.76 shall preclude the Commission from instituting a proceeding upon complaint or upon its own motion concerning the adequacy of passenger train service rendered by any carrier in accordance with the provisions of the Public Utility Law (66 P. S. §§ 1101 et seq.), nor shall it preclude any railroad carrier from voluntarily filing with the Commission an application for Commission approval of the removal, elimination, or substantial change in any passenger train prior to the preparation of timetables effectuating such changes. ]

[ TRACKS ]

§ 33.81. [ Track alignment ] (Reserved).

[ (a) All track shall be constructed with curvature so limited or with tangent track so placed between reverse curvature that lateral displacement of the car couplers with the center axis of any car does not exceed 13°. Crossovers between tracks and turnouts shall be similarly constructed. Tracks designed to accommodate two coupled cars, each with trucks spaced 70 feet between truck centers and with couplers 29 inches from the center of the pivot to the pulling face of the knuckle, shall be deemed in compliance with this regulation.

(b) If, in any particular case, exemption from any of the requirements in this section is deemed necessary by the carrier concerned, the Commission may grant application of such carrier for such exemption, provided the application is accompanied by a full statement of existing conditions and the reason why such exemption is sought. Any exemption so granted shall be limited to the particular case covered by application.

(c) Subsections (a) and (b) do not apply to repairs, renewals, or maintenance of track, but nothing in this section shall be construed as restricting the rights of carriers to decrease track curvature. ]

§ 33.82. [ Track anchors ] (Reserved).

[ No track shall be released to rail service prior to the proper installation of sufficient anchors, including the reinstallation or replacement in a proper manner of all anchors removed or disturbed in the course of any track repair or maintenance. ]

§ 33.83. [ Tracks undergoing maintenance ] (Reserved).

[ Each common carrier railroad in this Commonwealth shall immediately issue instructions to all supervisory personnel engaged in the repair, renewal, or replacement of tracks, to the effect that if necessary to leave the main track in other than satisfactory condition for the passage of trains at authorized speed, the supervisor in immediate charge shall provide full protection and immediately notify the Superintendent of Transportation or other authorized official specified by the company of that fact by telephone message or by wire, and the Superintendent of Transportation or such other designated official shall forthwith issue appropriate orders restricting the use of such track to safe slow speeds until the track is restored to satisfactory condition. ]

§ 33.84. [ Track inspection ] (Reserved).

[ In the case of all tracks over which there are regularly scheduled passenger movements and all tracks currently being used for the movement of freight trains if the authorized speed is 20 miles an hour or greater, the following regulations shall apply to track inspection by all common carrier railroads operating within this Commonwealth.

(1) Each common carrier railroad having trackage subject to this section shall provide that such inspection be made by a track foreman or equally qualified employe of the railroad company involved, and that such employe shall not be required to inspect more than 100 miles of track per day.

(2) Each common carrier railroad having trackage subject to this section shall provide the track patrolman or track inspector assigned to such inspection with a standard numbered form with detachable receipt, on which such employe shall indicate the date of inspection, specific tracks inspected, and their location including the district, division or region; such forms shall require a listing of defects found and in need of correction, with respect to track stability and alignment, track surface, gauge, ties and rail fastenings, welding, insulated joints, track anchors and bolts, frogs and switches, guardrails, drainage and such other con-

ditions as may be deemed appropriate by the carrier concerned. Such form shall be completed by the track patrolman or inspector for each trip, in multiple; the original shall be submitted to his immediate supervisor with a copy to such other personnel as the carrier may direct, and retained by both carrier and patrolman or inspector for a period of not less than 6 months and be available to the Commission or its staff for review upon request.

(3) Each common carrier railroad having trackage subject to this section shall assign a supervisory employe above the rank of foreman to be responsible for the inspection required by this section within his assigned area, which area shall be clearly designated.

(4) Tracks subject to the provisions of this section shall be inspected not less than twice each week.

(5) All switches shall be inspected on foot at least once each month.

(6) If track cars or other vehicles, including off-track vehicles, are used for such twice-weekly inspections, they shall be operated at such speed as shall insure adequate inspection, but not in excess of 5 miles per hour at all railroad crossings, highway crossings and switches, or adjacent structures where guardrails are in use.

(7) If track cars or other vehicles are used, only the track upon which such vehicles are traveling shall be considered as inspected.

(8) In all inspections of highway crossings, particular attention shall be given to the detection of unsafe conditions resulting from loose planking or obstructed flangeways, or other conditions which may endanger the safety of train movements and the traveling public.

(9) In the monthly on-foot inspection of switches, particular attention shall be given to the detection of unsafe conditions resulting from open or defective switch points, loose or missing bolts in heel filler blocking, and defective guardrails or frogs. Switches not in territories utilizing automatic signals or centralized traffic controls shall be operated at least once each month to insure that they are in proper working order.

(10) If twice-weekly inspections are required, such inspections shall not be made on consecutive days.

(11) If trains carrying passengers are to be operated over tracks not subject to this section, such tracks shall be inspected within 48 hours prior to the operation of such trains, except in case of emergency.

(12) If the track inspection reveals improper alignment, improper cross level, faulty gauge, loose ties, defective switch points, or any condition which, in the judgment of the individual inspecting the track, creates an unsafe condition, such employe shall take immediate appropriate action for the safety of operations. If the condition presents an immediate hazard, a Slow Order should be issued or, if necessary, the track taken out of service. The inspector should continue to report the condition until it is corrected. ]

**ACCOUNTS, RECORDS AND REPORTS**

**§ 33.101. Accounts.**

Each carrier authorized to operate in this Commonwealth shall keep and record its accounts and records in conformity with the systems of accounts for railroad companies, with text, definitions and instructions as embodied in the currently effective classifications prescribed for railroad companies by the [ Interstate Commerce Commission ] Surface Transportation Board.

**§ 33.102. Records.**

[ (a) ] Each carrier shall preserve its records in conformity with the effective [ Regulations to Govern the Destruction of Records of Railroad Companies (49 CFR 1220), prescribed by the Interstate Commerce Commission ] regulations of the Surface Transportation Board.

[ (b) Copies of the regulations may be obtained from the Pennsylvania Public Utility Commission. ]

**§ 33.103. Reports.**

[ (a) A carrier shall file with the Pennsylvania Public Utility Commission each year an annual report showing its financial status and operating position. The annual report as prescribed and furnished by the Commission, shall be filed properly completed, signed and notarized, by March 31, covering the preceding calendar year.

(b) A railroad shall be classified for annual report filing purposes in accordance with Interstate Commerce Commission classification based on the average gross annual revenues, intrastate and interstate combined, for the 3 years preceding, as follows:

(1) **Class I Railroads**—revenues of \$50 million or more—after applying the prescribed railroad revenue deflator formula in 49 CFR (relating to transportation).

(2) **Class II Railroads**—revenues of less than \$50 million but in excess of \$10 million after applying the prescribed railroad revenue deflator formula in 49 CFR.

(3) **Class III Railroads**—revenues of \$10 million or less after applying the prescribed railroad revenue deflator formula in 49 CFR.

(c) ] A carrier shall file with the Commission each year an assessment report[ , on Form GAO ] on a form provided by the Commission showing gross Commonwealth intrastate revenues for assessment purposes. The assessment report shall be filed by March 31 covering the preceding calendar year.

**MISCELLANEOUS PROVISIONS**

**§ 33.113. [ Training of equipment inspectors ] (Reserved).**

[ Each common carrier railroad operating within this Commonwealth shall intensify its training of equipment inspectors, particularly with respect to equipment assigned to transport material subject to regulation by the Office of Hazardous Materials, United States Department of Transportation, and shall require, if feasible, a written record by the equipment inspector of all cars inspected. ]

[Pa.B. Doc. No. 11-1790. Filed for public inspection October 21, 2011, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 4, 2011.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2011	<p><i>From:</i> The First National Bank of Palmerton Palmerton Carbon County</p> <p><i>To:</i> First Northern Bank and Trust Co. Palmerton Carbon County</p> <p>Application for approval to convert from a national bank to a Pennsylvania state-chartered bank and trust company.</p>	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-29-2011	<p>F.N.B. Corporation Hermitage Mercer County</p> <p>Application for approval to acquire 100% of Parkvale Financial Corporation, Monroeville, and thereby indirectly acquire 100% of Parkvale Savings Bank, Monroeville.</p>	Filed
10-1-2011	<p>Susquehanna Bancshares, Inc. Lititz Lancaster County</p> <p>Application for approval to acquire 100% of Abington Bancorp, Inc., Jenkintown, and thereby indirectly acquire 100% of Abington Savings Bank, Jenkintown.</p>	Effective

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-1-2011	<p>Susquehanna Bank Lititz Lancaster County</p> <p>Merger of Abington Savings Bank, Jenkintown, with and into Susquehanna Bank, Lititz</p> <p>All branch offices of Abington Savings Bank will become branch offices of Susquehanna Bank including the former main office of Abington Savings Bank located at:</p> <p>180 Old York Road Jenkintown Montgomery County</p>	Effective

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-12-2011	Harleysville Savings Bank Harleysville Montgomery County	800 Maple Avenue Harleysville Montgomery County (Limited Service Facility)	Opened
9-20-2011	Peoples State Bank of Wyalusing Wyalusing Bradford County	Towne Plaza Shopping Ctr Tunkhannock Wyoming County	Opened
9-26-2011	Graystone Tower Bank Lancaster Lancaster County	212 West Lincoln Avenue Myerstown Lebanon County	Opened
9-29-2011	Customers Bank Phoenixville Chester County	102 South Ridge Street Rye Brook Westchester County, NY	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-28-2011	Northwest Savings Bank Warren Warren County	<i>To:</i> 2200 South Atherton Drive State College Centre County  <i>From:</i> 611 University Drive State College Centre County	Approved
10-3-2011	Miners Bank Minersville Schuylkill County	<i>To:</i> 504 South Atherton Avenue Frackville Schuylkill County  <i>From:</i> 452 Lehigh Avenue Frackville Schuylkill County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-4-2011	Customers Bank Phoenixville Chester County	2493 Bernville Road Reading Berks County	Filed
10-4-2011	Customers Bank Phoenixville Chester County	555 Penn Avenue West Reading Berks County	Filed
10-4-2011	Customers Bank Phoenixville Chester County	601 N. Main Street Port Chester New York	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-29-2011	Colonial American Bank Horsham Montgomery County  Amendment to Article VII of the institution's Articles of Incorporation increases the maximum size of the Board to 16 members and reduces the terms of all of the directors to 1 year.	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers, and Absorptions**

9-30-2011	Bradford Postal Credit Union Bradford McKean County	Effective
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Merger of Bradford Postal Credit Union, Bradford with and into Bradford Area Federal Credit Union, Bradford.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1791. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2011

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of November, 2011, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.41 to which was added 2.50 percentage points for a total of 4.91 that by law is rounded off to the nearest quarter at 5%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1792. Filed for public inspection October 21, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS232209 (Storm Water)	Jeld-Wen Inc. 700 West Main Ringtown, PA 17967	Schuylkill County Ringtown Borough	Unnamed Tributary to Dark Creek and Unnamed Tributary to little Catawissa Creek High Quality Cold Water Fishes (5-E)	Y
PA0041424 (Sewage)	Bushkill Inn and Conference Center 1 Bushkill Falls Road Bushkill, PA 18324	Pike County Lehman Township	Unnamed Tributary to Little Bush Kill (1-D)	Y
PA0070114 (Sewage)	Melanie Manor MHP 2600 Melanie Manor Ringtown, PA 17967-9727	Schuylkill County Union Township	Unnamed Tributary to Dark Run (5-E)	Y
PA0029149 (Sewage)	Pocono Manor Investors, PT1, LP Pocono Manor Inn Route 314 Pocono Manor, PA 18349	Monroe County Pocono Township	Swiftwater Creek High Quality Cold Water Fishes (1-E)	Y
PA0062472 (Sewage)	Chestnut Ridge MHP Lower Smith Gap Road Palmerton, PA 18071	Carbon County Lower Towamensing Township	Aquashicola Creek (2-B)	Y
PAS232207 (Storm Water)	Gellner Industrial, LLC 105 Tide Road Tidewood East Industrial Park Hometown, PA 18252	Schuylkill County Rush Township	Unnamed Tributary of Nesquehoning Creek (2-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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0259918 (CAFO)	Meadow Vista Dairy LLC 166 Risser Road Bainbridge, PA 17502	Lancaster County/ Conoy Township	UNT Susquehanna River/ WWF / 7G	Y
PA0259900 (CAFO)	Bryan Byers 81 Four Pines Road Quarryville, PA 17566	Lancaster County/ East Drumore Township	UNT Conowingo Creek/ HQ-CWF / 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0029114 (Sewage)	Clintonville Borough Sewer & Water Authority P. O. Box 292 Clintonville, PA 16372	Venango County Clintonville Borough	Unnamed tributary of Scrubgrass Creek 16-G	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*

**PA0056944**, Storm Water, SIC Code 4613, **Sunoco Pipeline LP**, # 4 Hog Island Road, Philadelphia, PA 19153. Facility Name: Sunoco Twin Oaks Pump Station. This existing facility is located in Upper Chichester Township, **Delaware County**.

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

The receiving stream(s), Unnamed Tributary to Marcus Hook Creek, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. There are no downstream public water supply intakes in Pennsylvania.

The proposed effluent limits and monitoring requirements for Outfall 001 are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30	30
TRPH (Total Recoverable Petroleum Hydrocarbons)	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

**PA0028576**, Sewage, SIC Code 4952, **Abington Region WW Authority**, 200 Northern Boulevard PO Box 199, Chinchilla, PA 18410-0199. Facility Name: Abington Region WW Authority. This existing facility is located in South Abington Township, **Lackawanna County**.

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

The receiving stream(s), Leggetts Creek, is located in State Water Plan watershed 5-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.34 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	696	1114	XXX	25	40	50
Total Suspended Solids	836	1254	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	217	XXX	XXX	7.8	XXX	15.6
Nov 1 - Apr 30	72	XXX	XXX	2.6	XXX	5.2
Total Aluminum	Report	Report		Report	Report	XXX
Total Zinc	Report	Max day Report		Report	Max day Report	XXX
Total Copper	Report	Max day		Report	Max day	XXX
Effective date through year three of permit term	Report	Report Max day		Report	Report Max day	XXX
Total Copper		908			32.6	
Year four and five	454	Max Day		16.3	Max day	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	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	66,483			
Net Total Phosphorus	Report	8,310			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2015. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2016. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2015.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2016.

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

- Whole Effluent Toxicity Testing
- Built-In Excess Hydraulic Capacity
- Toxics Reduction Evaluation

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

The EPA Waiver is not in effect.

**PA0034517**, Industrial Waste, SIC Code 4941, **East Stroudsburg Borough**, PO Box 303, 24 Analomink Street, East Stroudsburg, PA 18301. Facility Name: East Stroudsburg Borough Water Filtration Plant. This existing facility is located in Smithfield Township, **Monroe County**.

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

The receiving stream(s), Sambo Creek, is located in State Water Plan watershed 1-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.090 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. 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
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	1000		
Ammonia-Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Nitrate as N	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Aluminum	XXX	XXX	XXX	2.8	5.6	XXX
Total Iron	XXX	XXX	XXX	2.0	4.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

**PA0009911**, Industrial Waste, SIC Code 2015, **Papettis Hygrade Egg Products Inc.**, 68 Spain Road, Klingerstown, PA 17941-9656. Facility Name: Michael Foods Egg Products. This existing facility is located in Upper Mahantango Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary to Pine Creek, is located in State Water Plan watershed 6-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. Stormwater is discharged to Pine Creek (Outfalls 002 and 004) and Mahantango Creek (Outfall 003) a Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.295 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Max</i>		<i>Average Monthly</i>	<i>Daily Max</i>	
Flow (MGD)		Report				
pH (S.U.)	Report XXX	Daily Max XXX	XXX 6.0	XXX XXX	XXX XXX	XXX 9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0 Avg Mo 25	XXX 50	2.0
CBOD <sub>5</sub>	Report	Report	XXX	Avg Mo 30	Daily Max 60	62
Total Suspended Solids	Report	Report	XXX	Avg Mo 15	Daily Max 30	75
Oil and Grease	XXX	XXX	XXX	Avg Mo	Daily Max	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Sep 30	37	74	XXX	15 Avg Mo	30 Daily Max	XXX

The proposed effluent limits for Outfalls 002, 003, and 004 Stormwater Appendix J.

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

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	8,104			
Net Total Phosphorus	Report	532			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

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

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

- Chemical Additives
- Chesapeake Bay Special conditions
- Stormwater

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

The EPA Waiver is not in effect.

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

**PA0026646**, Sewage, SIC Code 4952, **Antietam Valley Municipal Authority Berks County**, 502 Butter Lane, Reading, PA 19606. Facility Name: Antietam Valley STP. This existing facility is located in Saint Lawrence Borough, **Berks County**.

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

The receiving stream(s), Antietam Creek is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.225 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.21	XXX	0.68
CBOD <sub>5</sub>	255	383	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	306	460	XXX	30	45	60
Total Dissolved Solids	Report	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	XXX
Oct 1 - Apr 30				2,000		
	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	26	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	77	XXX	XXX	7.5	XXX	15

In addition, the permit contains the following major special conditions: Maximum monthly flow is being increased from 1.225 MGD to 2.45 MGD 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.

**PA0110931**, Sewage, SIC Code 7033, **George Bernard**, 166 Shellbark Road, Manns Choice, PA 15550-8614. Facility Name: Shellbark Campground. This existing facility is located in Napier Township, **Bedford 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), Raystown Branch Juniata River, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0042 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10,000

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



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

**PA0112445 A-1**, SIC Code 2011, **P & N Packing Inc.**, 11627 Rt. 187, Wyalusing, PA 18853. Facility Name: P & N Packing Wyalusing Meat Pack Plant. This existing facility is located in Terry Township, **Bradford County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated industrial wastes.

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 0.045 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
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	1.0	XXX	2.3
BOD <sub>5</sub>	17	35	XXX	Report	XXX	210
Total Suspended Solids	25	49	XXX	Report	XXX	300
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	XXX	400
Ammonia-Nitrogen	25	49	XXX	Report	XXX	300
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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

The EPA Waiver is in effect.

**PA0234052**, CAFO 0213, 0212, 0272, **James W. Showers**, 767 Gray Hill Road, New Columbia, PA 17856-9407.

This proposed facility is located in White Deer Township, **Union County**.

Description of Proposed Activity: The Showers Farm CAFO is an existing beef cattle and horse operation adding a finishing swine operation, totaling 384.44 AEUs. The farm consists of 139 acres which includes approximately 23 acres of pasture land, approximately 87 acres of cropland and the balance in farmstead and woods. The hogs will produce 900,000 gallons of liquid manure per year. All hog manure will be collected in a 809,000 gallon underbarn storage. Beef cattle and horse manure is collected during part of the year as a solid. All manure is land-applied in accordance with the farm's Nutrient Management Plan during the Spring, Summer and Fall. Up to 625,000 gallons of manure may be exported offsite.

The receiving stream, UNT of White Deer Creek, is in the State Water Plan watershed 10C (White Deer Creek) and is classified for: HQ-CWF.

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

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

1. Compliance with the farm's Nutrient Management Plan
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling
4. Erosion & Sedimentation Control Plan requirements for stormwater during construction activities
5. Animal mortality handling and disposing requirements
6. Certification requirements for manure storage facilities
7. Requirements for storage of feed and other raw materials
8. Best Management Practices requirements.

In addition to the other requirements of this Permit, the permittee shall maintain compliance with the following CAFO specific requirements.

9. Stockpiling- Manure that is stockpiled for 15 consecutive days or longer shall be under cover or otherwise stored to prevent discharge to surface water during a storm event up to and including the appropriate design storm for that type of operation under § 91.36(a)(1) and (5) (relating to pollution control and prevention at agricultural operations).

10. Freeboard- The permittee shall maintain a minimum of 2 feet freeboard at the liquid manure storage structures at all times.

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

12. Winter Spreading- The permittee shall not spread manure during the Winter, as defined in 25 Pa. Code Section § 83.201, unless otherwise authorized in the permittee’s Nutrient Management Plan, or unless the permittee has fully complied with 25 Pa. Code Section § 83.372, and has obtained a plan amendment due to unforeseen circumstances. Winter is defined as, “December 15 to February 28, or any time the ground is frozen at least 4 inches deep or is snow covered.” If winter spreading is approved in the NMP all setbacks must be followed: There shall be no winter application within, 1) 100 ft. of an above ground agricultural drain inlet where surface flow is toward the inlet, 2) 100 foot of a wetland on the NWI map which is within the 100 year floodplain of an EV stream segment if surface flow is toward the wetland and 3) fields must have 25% cover or an established cover crop—see § 83.294.

**PA0229016**, SIC Code 4952, **Andrew S. Vogelsong**, 767 N. Shaffer Hill Road, Cogan Station, PA 17728. Facility Name: Andrew S. Vogelsong SFTF. This existing facility is located in Lycoming Township, **Lycoming County**.

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

The receiving stream(s), Unnamed Tributary to Hoagland Run, is located in State Water Plan watershed 10-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Instant. Maximum	
Flow (MGD)	Monitor	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

**PA0037940**, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. Facility Name: Elkhorn Run STP. This existing facility is located in Center Township, **Beaver County**.

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

The receiving stream, Ohio River, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report DailyMax	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub>	417.3	625.9	XXX	25	37.5	50
Total Suspended Solids	500.7	751.1	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200 GeoMean	XXX	400
May 1 - Sep 30	XXX	XXX	XXX	200 GeoMean	XXX	400
Oct 1 - Apr 30	XXX	XXX	XXX	2000 GeoMean	XXX	10000

The first three years of the renewal permit include quarterly monitoring requirements for certain nutrients (nitrogen and phosphorus components) for Outfall 001. This is in accordance with Ohio River Valley Water Sanitation Commission’s (ORSANCO’s) recent meeting in which the Commission states, including Pennsylvania, agreed to include said monitoring in the NPDES permits for all major discharges of 1 million gallons per day (mgd) or greater to the Ohio River.

The EPA Waiver is not in effect.

**PA0096571**, Sewage, SIC Code 8211, **Bethlehem Center School District**, 194 Crawford Road, Fredericktown, PA 15333. Facility Name: Beth Center Elementary Jr Sr High School STP. This existing facility is located in Deemston Borough, **Washington 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), Blackdog Hollow, is located in State Water Plan watershed 19-B and is classified for Trout Stocking Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.025	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.11
CBOD <sub>5</sub>	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	1000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	5.0	XXX	10.0

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

The EPA Waiver is in effect.

**PA0096725**, Sewage, SIC Code 8211, **Belle Vernon Area School District**, 270 Crest Avenue, Belle Vernon, PA 15012. Facility Name: Belmar-Marion School STP. This existing facility is located in Washington Township, **Fayette County**.

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

The receiving stream(s), Downers Run, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0163 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.0163	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	1000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	5.5	XXX	11.0
Nov 1 - Apr 30	XXX	XXX	XXX	16.5	XXX	33.0

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.*

**PAS128301**, Storm Water, SIC Code 2047, **Ainsworth Pet Nutrition, Inc.**, 18746 Mill Street, Meadville, PA 16335-3644. Facility Name: Ainsworth Pet Nutrition. This existing facility is located in Vernon Township, **Crawford County**.

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

The receiving stream, the French Creek, is located in State Water Plan watershed 16-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 N/A MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Annual Average	Daily Maximum	
pH (S.U.)	XXX	XXX	Report	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	Report

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report
Total Iron	XXX	XXX	XXX	Report	XXX	Report

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

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	Report	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report
Total Iron	XXX	XXX	XXX	Report	XXX	Report

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

- Requirement to Use eDMR System
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

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.*

**PA0263664**, Industrial Waste, SIC Code 4953, **Tri County Landfill Inc.**, 159 TCI Park Drive, Grove City, PA 16127. Facility Name: Tri County Landfill. This proposed facility is located in Liberty & Pine Townships, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated municipal landfill leachate, truck wash water, sanitary sewage and stormwater.

The receiving streams are unnamed tributaries to Black Run located in State Water Plan watershed 20-C and are classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.085 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.23	XXX	0.53
BOD <sub>5</sub>	Report	Report	XXX	37	140	140
Total Suspended Solids	Report	Report	XXX	27	88	88
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000		
				Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	1.06	2.13	XXX	1.5	3.0	3.8
Nov 1 - Apr 30	3.2	6.4	XXX	4.5	9.0	11
Total Aluminum	0.36	0.72	XXX	0.51	1.02	1.28
Total Antimony	0.004	0.01	XXX	0.006	0.012	0.015
Total Arsenic	0.01	0.02	XXX	0.011	0.022	0.028
Total Barium	1.84	3.69	XXX	2.6	5.2	6.5
Total Boron	1.21	2.41	XXX	1.7	3.4	4.2
Total Cadmium	0.01	0.02	XXX	0.012	0.024	0.03
Total Cobalt	0.01	0.03	XXX	0.02	0.04	0.05

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Copper	0.04	0.08	XXX	0.053	0.106	0.13
Free Available Cyanide	0.004	0.01	XXX	0.0055	0.011	0.014
Total Iron	1.13	2.3	XXX	1.6	3.2	4.0
Total Mercury	0.00004	0.00008	XXX	0.000053	0.00011	0.00013
Total Nickel	0.01	0.02	XXX	0.015	0.03	0.038
Total Zinc	Report	Report	XXX	0.11	0.2	0.28
Phenol	Report	Report	XXX	0.015	0.026	0.038
a-Terpineol	Report	Report	XXX	0.016	0.033	0.040
Benzene	0.02	0.03	XXX	0.023	0.046	0.058
Benzoic Acid	Report	Report	XXX	0.071	0.12	0.18
1,2-Dichloroethane	0.0005	0.001	XXX	0.0007	0.0014	0.0018
Bis(2-Ethylhexyl)Phthalate	0.002	0.0033	XXX	0.0023	0.0046	0.0058
p-Cresol	Report	Report	XXX	0.014	0.025	0.035

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

- Chlorine Minimization
- Effective Disinfection
- Stormwater Best Management Practices
- Electronic DMR reporting requirement
- Land Use/Zoning

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

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

**WQM Permit No. 4511402**, Sewerage, **Snydersville Development Group, LLC**, PO Box K, Stroudsburg, PA 18360

This proposed facility is located in Hamilton Township, **Monroe County**, PA. Description of Proposed Action/Activity: This project involves construction of a 18,000 gallons per day community on-lot sewage system to serve Hamilton Commons.

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

**WQM Permit No. 0191402, Amendment 11-1**, Sewerage, **Arendtsville Municipal Authority**, 1 Chestnut Street, Arendtsville, PA 17303.

This proposed facility is located in Arendtsville Borough, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for headworks upgrade, including installation of a new comminutor and associated piping.

**WQM Permit No. 0611402**, Sewerage, **City of Reading, Department of Public Works**, 815 Washington Street, Reading, PA 19601-3690.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation/installation of a new 42-inch ductile iron force main and associated equipment as well as relining the existing parallel 42-inch forcemain from the 6th & Canal Street Pump Station to the South side of Angelical Creek to tie into another 42-inch forcemain.

**WQM Permit No. 2190401, Amendment 11-1**, Sewerage, **Upper Allen Township**, 100 Gettysburg Road, Mechanicsburg, PA 17055.

This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to existing wastewater treatment plant to meet Chesapeake Bay requirements including SBR, headworks, pump replacement and solids handling; there will be no change to existing flow.

**WQM Permit No. 3878202, Amendment 11-1**, Industrial Waste, **BC Natural Chicken, LLC**, PO Box 80, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: Seeking permit approval for the installation/operation of a new flow equalization tank, dissolved air flotation cell and screw press.

**WQM Permit No. 6709201, Amendment 11-1**, Industrial Waste, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-0500.

This proposed facility is located in Spring Grove Borough and North Codorus Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for a permit amendment for their effluent cooling system overflow modification project.

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

**WQM Permit No. 6570201-A1**, Industrial Waste, **Alcoa, Inc.**, Alcoa Tech Ctr, 100 Tech Dr, Alcoa Ctr, PA 15069-0001

This existing facility is located in Upper Burrell Twp, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 5611403**, Sewerage, **Meyersdale Muni Auth**, PO Box 37, 215 Main St, Room 2B, Meyersdale, PA 15552

This proposed facility is located in Meyersdale Boro, **Somerset County**.

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

**WQM Permit No. WQG026133**, Sewerage, **Central Indiana County Jt. Sani. Auth.**, 603 S. Main St. Ext., Homer City, PA 15748

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

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

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

**WQM Permit No. WQG028329**, Sewerage, **Winfield Township**, 194 Brose Road, Cabot, PA 16023

This proposed facility is located in Winfield Township, **Butler County**. Description of Proposed Action/Activity: Installation of seven (7) residential grinder pumps on a HDPE force main.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G464-RR-A1	Trammell Crow Development, Inc. 300 Conshohocken State Road Suite 250 Conshohocken, PA 19428	Chester	East Whiteland and Tredyffrin Townships	Cedar Hollow Run/Valley Creek (EV)
PAI01 151128	Sabre Healthcare Group 315 East London Grove Road West Grove, PA 19390	Chester	London Grove Township	East Branch White Clay Creek (EV)
PAI01 231102	Stevens Airport Realty Associates, LP 343 Thornall Street Edison, NJ 08818-7817	Delaware	Tinicum Township	Long Hook Creek (WWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041711005	PA DCNR Moshannon State Forest 3372 State Park Rd Penfield, PA 15849  EOG Resources Inc 191 Beaver Dr DuBois PA 15801	Clearfield	Lawrence & Pine Townships	Moose Creek HQ-CWF Lick Run HQ-CWF Fork Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

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

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

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Hammer Creek Holsteins Lavern Martin 260 Schaeffer Road Lebanon, PA 17042	Lebanon	223	791.87	Dairy & Poultry	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

<b>Permit No. 3611535</b> , Public Water Supply.	
Applicant	<b>P.C.S. Chadaga</b>
Municipality	Providence Township
County	<b>Lancaster</b>
Responsible Official	P.C.S. Chadaga 1300 Market St, Suite 201 PO Box 622 Lemoyne, PA 17043-0622
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James A Holley & Associates Inc 18 South George Street York, PA 17401
Application Received:	9/22/2011
Description of Action	Installation of four 4,000-gallon chlorine contact tank, a booster pump station and demonstration of 4-log treatment of viruses for EP 101.

**Permit No. 3811513**, Public Water Supply.  
 Applicant **ROGC Golf Partners LP dba Royal Oaks Golf Club**  
 Municipality North Cornwall Township  
 County **Lebanon**  
 Responsible Official Michael Caporaletti, General Manager  
 3350 West Oak Street  
 Lebanon, PA 17042  
 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: 9/30/2011  
 Description of Action Installation of Nitrate Treatment and GWR 4-Log treatment of Viruses for EP 102.

**Application No. 3611538 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Ridgewood Manor MHP, Inc.**  
 Municipality Rapho Township  
 County **Lancaster**  
 Responsible Official Richard E Haldeman, Owner  
 President  
 101 Ridgewood Manor Inc  
 Manheim, PA 17545  
 Type of Facility Public Water Supply  
 Consulting Engineer David J Gettle  
 Kohl Bros., Inc.  
 PO Box 350  
 Myerstown, PA 17067  
 Application Received: 9/27/2011  
 Description of Action Installation of 100 feet of 18-inch chlorine contact piping and demonstration of 4-log treatment of viruses.

**Application No. 3611534 MA, Minor Amendment**, Public Water Supply.  
 Applicant **F & P Enterprises**  
 Municipality Brecknock Township  
 County **Lancaster**  
 Responsible Official David C. Fulton, Managaer  
 100 Birchview Drive  
 Coatesville, PA 19320  
 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: 9/14/2011  
 Description of Action Installation of 200 feet of 10-inch chlorine contact piping and demonstration of 4-log treatment of viruses for EP 100.

**Application No. 3611537 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Model Enterprises, Inc.**

Municipality Rapho Township  
 County **Lancaster**  
 Responsible Official Stuart H. Loss, President  
 630 Delp Road  
 Lancaster, PA 17601  
 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:  
 Description of Action Installation of twenty 120-gallon chlorine contact tanks and demonstration of 4-log treatment of viruses.

**Application No. 3811512 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Countryside Christian Community**  
 Municipality North Annville Township  
 County **Lebanon**  
 Responsible Official Mary Ellen Rohrer,  
 Administrator  
 200 Bellann Court  
 Annville, PA 17003  
 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: 9/30/2011  
 Description of Action Installation of Greensand filtration for iron & manganese treatment and the installation of additional contact tanks for GWR 4-Log treatment of viruses for EP 102.

**Application No. 3611544, Minor Amendment**, Public Water Supply.  
 Applicant **Lil Country Store**  
 Municipality Paradise Township  
 County **Lancaster**  
 Responsible Official Henry Stoltzfus, Owner  
 264 Paradise Lane  
 Ronks, PA 17572  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas J Whitehill, P.E.  
 Whitehill Consulting Engineers  
 763 Conowingo Rd.  
 Quarryville, PA 17566  
 Application Received: 10/6/2011  
 Description of Action Installation of an anion exchange treatment system for nitrate, a sodium hypochlorite disinfection system, and demonstration of 4-log treatment of viruses.

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



**Permit No. 2611505**, Public Water Supply.

Applicant **North Fayette County Municipal Authority**,  
1634 University Drive,  
Dunbar, PA 15431

[Township or Borough] Dunbar Township

Responsible Official Robert Softcheck, Manager  
North Fayette County Municipal  
Authority,  
1634 University Drive,  
Dunbar, PA 15431

Type of Facility Water system

Consulting Engineer Widmer Engineering, Inc.,  
225 West Crawford Avenue,  
Connellsville, PA 15425

Application Received Date September 30, 2011

Description of Action Replacement of the Dunbar  
booster station and installation  
of 10,000 L.F. of 30-inch  
transmission main.

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

**Permit No. 2511505**, Public Water Supply

Applicant **Girard Borough**

Borough Girard Borough

County **Erie County**

Responsible Official Robert Stubenbort

Type of Facility Public Water Supply

Consulting Engineer Mark J. Corey, P.E.  
Mark J. Corey & Associates  
P. O. Box 268  
Harborcreek, PA 16421

Application Received Date September 30, 2011

Description of Action Addition of booster pump to  
Butternut system and addition of  
chlorine contact at Mohring well.

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

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

**Application No. 5411507MA, Minor Amendment.**

Applicant **Aqua Pennsylvania Inc.**  
1 Aqua Way  
White Haven, Pa

[Township or Borough] North Union Twp,  
**Schuylkill County**

Responsible Official Joshua Shoff

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
1240 N. Mountain Rd  
Harrisburg, Pa

Application Received Date 9/28/11

Description of Action The installation of a contact  
pipeline at the Cove Village  
Water System to meet the log 4  
inactivation requirements of the  
groundwater rule.

**Application No. 4011513MA, Minor Amendment.**

Applicant **Aqua Pennsylvania Inc.**  
1 Aqua Way  
White Haven, Pa

[Township or Borough] Lehman Twp,  
**Luzerne County**

Responsible Official Joshua Shoff

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
1240 N. Mountain Rd  
Harrisburg, Pa

Application Received Date 9/29/11

Description of Action The installation of a contact  
pipeline at the Greenbriar Water  
System to meet the log 4  
inactivation requirements of the  
groundwater rule.

**Application No. 4511502MA**

Applicant **Aqua Pennsylvania, Inc.**

[Township or Borough] Tobyhanna Township  
**Monroe County**

Responsible Official Steve Clark, Honesdale Division  
Mgr.  
Aqua Pennsylvania, Inc.  
1775 North Main Street  
Honesdale, PA 18431

Type of Facility Community Water System

Consulting Engineer Douglas E. Berg, PE  
Entech Engineering, Inc.  
4 South 4th Street  
Reading, PA 19603  
610-373-6667

Application Received Date September 2, 2011

Description of Action Application for modification of  
the community water system  
serving the Wild Pines  
development to construct a large  
diameter chlorine contact  
segment to meet 4-log  
inactivation of viruses.

**Application No. 5811503MA, Minor Amendment.**

Applicant **Aqua Pennsylvania Inc.**  
1 Aqua Way  
White Haven, Pa

[Township or Borough] Hop Bottom Borough,  
**Susquehanna County**

Responsible Official Joshua Shoff

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
1240 N. Mountain Rd  
Harrisburg, Pa

Application Received Date 9/29/11  
 Description of Action The installation of a contact pipeline at the Hop Bottom Water System to meet the log 4 inactivation requirements of the groundwater rule.

**Application No. 3511512MA**

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] South Abington Township  
**Lackawanna County**  
 Responsible Official Patrick R. Burke, Regional Manager  
 Northeast & Central Operations  
 1 Aqua Way  
 White Haven, PA 18661  
 Type of Facility Community Water System  
 Consulting Engineer Peter J. Lusardi, PE  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 717-541-0622  
 Application Received Date September 30, 2011  
 Description of Action Construction of approximately 900 feet of conveyance line from the Stanton CWS Well No. 1 to the Well No. 3 facility and construction of a large diameter chlorine contact segment to meet 4-log inactivation of viruses.

**Application No. 3511513 MA, Minor Amendment, Public Water Supply.**

Applicant **GSP Management Co.**  
 Pocono Mobile Manor  
 Mobile Home Park  
 [Township or Borough] Clifton Township,  
**Lackawanna County**  
 Responsible Official Mr. Frank Perano  
 PO Box 677  
 Morgantown, PA. 19543  
 Type of Facility Public Water Supply  
 Consulting Engineer Act One Consultants, Inc.  
 200 S. 41st Street  
 Suite A  
 Harrisburg, PA. 17111  
 Application Received Date September 30, 2011  
 Description of Action This project provides for the installation of additional contact chambers at Wells 1, 2 & 3. New contact tanks and/or re-plumbing of existing tanks are necessary in order for the wells to meet the chlorination contact time requirements of the Ground Water Rule.

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

**Application No. 5611518MA, Minor Amendment.**

Applicant **Indian Lake Borough,**  
 1301 Causeway Drive,  
 Central City, PA 15926  
 [Township or Borough] Indian Lake Borough  
 Responsible Official Dean Snyder, Operator  
 Indian Lake Borough,  
 1301 Causeway Drive,  
 Central City, PA 15926  
 Type of Facility Water system  
 Consulting Engineer CME Management LP  
 165 East Union Street  
 Suite 100  
 Somerset, PA 15501  
 Application Received Date October 11, 2011  
 Description of Action Installation of waterline from Well #2 pump house.

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

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may

request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Former McCrory Store**, 609 Main Street, Honesdale Borough, **Wayne County**. Martin Gilgallon, Pennsylvania Tectonics, Inc. has submitted a Notice of Intent to Remediate (on behalf of his client, R & K Real Estate Holdings, LLC, 469 Ridge Avenue, Hawley, PA 18428), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an unregulated underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Katz Property**, Leamour Court, Stroud Township, **Monroe County**. Timothy Pilcher, B & B Diversified Enterprises, Inc., P. O. Box 188, Gwynedd, PA 19436 has submitted a Notice of Intent to Remediation (on behalf of his client, Lea Z. Katz, P. O. Box 510, Stroudsburg, PA 18360), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from a 500-gallon, non-regulated underground storage tank, which contained holes in it. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The current and intended use of the property is for residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**York Plant Holding**, 651 Memory Lane, York, PA 17402, Springettsbury Township, **York County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17055, on behalf of Equity Industrial Properties, 145 Rosemary Street, Suite E, Needham, MA 02494 and York Plant Holding, LLC, 651 Memory Lane, York, PA 17402, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with kerosene released from subsurface piping. The site will be remediated to the Site-Specific standard and remain an electrical power generation facility.

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

**Burlington Farms**, Route 706, Stevens Township, **Bradford County**. Golder Associates, Inc., 209 N. Main St., Horseheads, NY 14845 on behalf of Porlanick, Inc., P. O. Box 248, 35 Canton St., Troy, PA 16947 has submitted a Notice of Intent to Remediate soil contaminated with mineral oil based drilling mud and a small amount of diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Review* on August 16, 2011. Future use of the property is intended to remain as an organic farm.

## RESIDUAL WASTE GENERAL PERMITS

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

### Correction

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

**General Permit Number WMGR064.** General Permit Number WMGR064 authorizes the beneficial use of natural gas well brines for roadway pre-wetting (brines mixed with antiskid materials prior to roadway application), anti-icing (brines applied directly to roadway and walkway surfaces prior to precipitation event), and for roadway de-icing purposes (brine is applied directly to roadway surfaces after precipitation event). The Department is proposing to renew General Permit Number WMGR064 and make a major modification to the general permit to also authorize the beneficial use of natural gas well brines for (i) dust suppressant and (ii) stabilizer for unpaved secondary roadway systems.

The body of the last second paragraph in the notice published on September 17, 2011, referenced General Permit Number WMGR065 instead of General Permit Number WMGR064. That has been corrected in this notice.

Comments concerning the proposal should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted by November 16, 2011 and may recommend revisions to, and approval or denial of the proposed to the general permit amendment and renewal of the general permit.

## AIR QUALITY

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

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

application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

#### PLAN APPROVALS

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

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

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

**39-332-002: B. Braun Medical, Inc.** (901 Marcon Boulevard, Allentown, PA 18109) for the re-activation of ETO sterilizer (source 109) at their existing facility in Hanover Township, **Lehigh County**.

**58-399-029: Williams Field Services Company LLC** (Westpointe Center Three, 1605 Coraopolis Heights Road, Moon Township, PA 15108) for installation of three new compressor engines, one turbine and other equipment at the Central Compressor Station site to be located in Bridgewater and Brooklyn Townships, **Susquehanna County**.

**66-399-012: Williams Field Services Company, LLC** (Westpointe Center Three, 1605 Coraopolis Heights Road,

Moon Township, PA 15108) for installation of two (2) new turbines and ancillary equipment at their Wilcox Compressor Station site in Tunkhannock Township, **Wyoming County**.

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

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

**32-00055H: Homer City OL1—OL8, LLC** (1750 Power Plant Road, Homer City, PA 15748) for installation of new SO<sub>2</sub> Flue Gas Desulfurization (FGD) systems on Units 1 and 2 at the Homer City Generating Station in Center Township, **Indiana County**.

**11-00423H Johnstown Wire Technologies, Inc.** (124 Laurel Avenue, Johnstown, PA 15906-2246) for construction of a new wire cleaning operation to replace an existing operation at Johnstown Wire Technologies in Johnstown, **Cambria County**.

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

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

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

**40-399-072: Schott Glass Technologies, Inc.** (400 York Avenue, Duryea, PA, 18642) for establishing new NO<sub>x</sub> emission limits for five (5) of their existing melting furnaces (MF3, MF4, MF5, MF6 and MF8) in Duryea Borough, **Luzerne County**. The maximum NO<sub>x</sub> emissions from all five furnaces shall not exceed 235 TPY (from nitrate compounds involved in glass melting operations) and 14.9 TPY (from fuel combustion), based on a 12-month rolling sum. The maximum NO<sub>x</sub> emissions from any one of the furnaces shall not exceed 49.9 TPY, based on a 12-month rolling sum. Each furnace will have a maximum production rate not to exceed 3.5 tons/day, based on a 30-day rolling average. Schott Glass is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 40-00034. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the booth operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**06-05025C: Morgan Truck Body, LLC** (35 thousand Oaks Blvd, Morgantown, PA 19543) for construction of a spray paint booth at the Morgantown Plant in Caernarvon Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned

project. This plan approval will be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05025C is for the construction of a spray paint booth to be used at the facility's Service Division for painting those truck bodies that were damaged in accidents. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The majority of the emissions associated with the use of the new booth will be in the form of volatile organic compounds (VOCs). The facility's annual emissions of VOCs are expected to increase by approximately 2.51 tons.

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

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

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

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

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

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

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

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

**AMS 11044: (SunGard Availability Services, Inc.—**401 N Broad Street, Philadelphia, PA 19108) for the installation, replacement, and modification of the following sources in the City of Philadelphia, **Philadelphia County**:

1. Replacement one (1) 2036 kilowatt (kW) Emergency Generator with a 2000 kW Emergency Generator with Selective Catalytic Reductive (SCR) control device for Nitrogen Oxides (NO<sub>x</sub>),
2. Installation of two (2) 2000 kW emergency generators, each equipped with NO<sub>x</sub> SCR Control Device.

3. Modify the requirement under Plan Approval No. 10135 for an annual catalytic activities test to be conducted on each NO<sub>x</sub> SCR to at least every two (2) years.

4. Modify the requirement under Plan Approval No. 10135 for continuous temperature monitors and recorders to be installed on each of the SCR for Emergency Generator Nos. 2 thru 9 with the following requirements:

- (a) NO<sub>x</sub> portable analyzer test or NO<sub>x</sub> stack test at least every five (5) years.
- (b) Tuning of the SCR injection control panel at least every five (5) years.

After the replacement, installation, and modification there will be a potential decrease of 8.8 tpy of NO<sub>x</sub>; and a potential increase of 4.5 tpy for Sulfur Oxides, 21.4 tpy for Carbon Monoxide, and 6.8 tpy for Particulate Matter. The Plan Approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

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

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

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

**V05-011: Sunoco Inc.—Schuylkill River Tank Farm** (70th and Essington Avenue, Philadelphia PA 19145) for operation of a tank farm in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include the following: twenty one (21) internal floater tanks with capacities between 2.6 million -4.9 million gallons; two (2) open floater tanks, each with a capacity of 4.8144 million gallons; one (1) oil -water separator; one (1) propane loading rack; one (1) flare; one (1) 290 horsepower diesel fire pump; and one (1) 255 horsepower diesel fire pump.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**46-00029: Glasgow, Inc.** (Route 309 & Hartman Road, Montgomeryville, PA 18936) for a non-Title V facility renewal of a Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 located in Montgomery Township, **Montgomery County**. The Operating Permit will contain record keeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

**09-00146: Pelmor Laboratories, Inc.** (3161 State Road, Bensalem, PA 19020) for a Non-Title V Facility, State-Only, Natural Minor Permit in Bensalem Township, **Bucks County**. The sources of emissions include four rubber mills controlled by a baghouse. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**40-00093: Fabri—Kal Corp.** (150 Lions Drive, Valmont Industrial Park, Hazle Township, PA 18202) for a plastic product manufacturing facility in the Hazle Township, **Luzerne 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: 717-705-4863*

**67-03023: Magnesita Refractories Co.** (425 S. Salem Church Road, York, PA 17408) for their limestone crushing plant in West Manchester Township, **York County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject facility's crushing/screening/conveying activities have a combined emissions potential of less than 25 tons per year of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.

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

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

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

**44-05014: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for their Milroy limestone crushing and asphalt plants in Armagh Township, **Mifflin County**.

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

The subject facility's crushing/screening/conveying equipment and batch asphalt plant have a combined emissions potential of more than 25 tons per year of particulate matter. The site includes equipment subject to 40 CFR Part 60, Subpart OOO for non-metallic mineral processing and Subpart I for asphalt plants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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

**22-05045: The Harrisburg Authority** (212 Locust Street, Suite 302 Harrisburg, PA 17101) for operation of an advanced wastewater facility in Swatara Township, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility. This is a renewal of the facility's State-only Synthetic Minor operating permit issued in 2006.

The subject facility has actual emissions of approximately 1.0 tons per year of volatile organic compounds (VOCs); 70.0 tons per year of nitrogen oxides (NO<sub>x</sub>); and 58.0 tons per year of carbon monoxide (CO). The facilities two (2) boilers are subject to the area boiler MACT of 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boiler Area Sources. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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

**36-03165: Nexans Inc., DBA Berk-Tek** (132 White Oak Road, New Holland, PA 17557) for operation of a cable manufacturing facility in Earl Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. This is a renewal of the facility's permit issued in 2006.

The facility averages around 36 tons of VOC emissions annually. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

- Identification of the proposed permit by the permit number listed above.

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

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

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

**06-03077: F.M. Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608) for the operation of feed mills in Sinking Spring Borough, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. This is a renewal of the facility's State-only Natural Minor operating permit issued in 2006.

The subject facility has actual emissions of approximately 1.0 ton per for Sulfur Oxides (SO<sub>x</sub>) and 1.0 ton or less of Nitrogen Oxides (NO<sub>x</sub>). The facilities boiler is subject to the area boiler MACT of 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boiler Area Sources. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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

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

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

**12-00008: GKN Sinter Metals, Inc.** (RR 2 Box 47, Cameron Road, Emporium, PA 15834) for their facility in the Borough of Emporium, **Cameron County**. The facili-

ty's main sources include fifteen (15) sintering furnaces, nineteen (19) forging furnaces, two endothermic gas generators and one oil impregnator with associated tank. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), 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.

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

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

**S11-007: Fox Chase Cancer Center** (7701 Burholme Avenue, Philadelphia PA 19111) for operation of a hospital and research facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following: three 5.5 MMBTU/hr boilers firing natural gas; one (1) 8.5 MMBTU/hr boiler firing natural gas; one (1) 17.0 MMBtu/hr boiler firing natural gas; and four (4) emergency generators firing natural gas, each at 350 kilowatt or less; and four (4) emergency generators firing diesel fuel, each rated at 300 kilowatt or less.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S05-017: SunGard Availability Services, Inc.** (401 North Broad Street, Philadelphia, PA 19108) for operation of a computer facilities management facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include nine (9) emergency generators, each firing diesel fuel oil and rated between 1750kw—2,036 kW.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating

permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

**30841312 and NPDES No. NA, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** to add subsidence control plan area acres for development mining. Subsidence Control Plan Acres Proposed 822.1. No additional



discharges. The application was considered administratively complete on September 30, 2011. Application received: August 4, 2011.

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

**11060102 and NPDES No. PA0262200. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 73.0 acres. Receiving stream(s): Uts to/and Fallentimber Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 28, 2011.

*Noncoal Applications Received*

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

**40960302C2 and NPDES Permit No. PA0223671. Hanover Nursery**, (5 Crystal Street, Hanover Township, PA 18706), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plymouth Township, **Luzerne County**, receiving stream: Susquehanna River, classified for the following use: warm water fishes. Application received: September 27, 2011.

## MINING ACTIVITY NPDES DRAFT PERMITS

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0607878 (Mining permit no. 39A77SM4), Bentley Development Company, Inc.**, P. O. Box 338, Blairsville, PA 15717, renewal of an NPDES permit for bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 197.0 acres. Receiving stream(s): UNT to Conemaugh River, classified for the following use(s): warm water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 4, 2011.

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

The outfall(s) listed below discharges to an UNT to Conemaugh River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond)	N

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (milliosmoles/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0263346 (Mining permit no. 56100201), Alverda Enterprises, Inc.**, P. O. Box 245, Alverda, PA 15710, new NPDES permit for coal surface mine operation in Conemaugh Township, **Somerset County**, affecting 11.8 acres. Receiving stream(s): Stonycreek River, classified for the following use(s): warm water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River. Application received: June 29, 2010.

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

The outfall(s) listed below discharge to Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Trap)	Y
002 (Sediment Trap)	Y
003 (Sediment Trap)	Y
004 (Sediment Trap)	Y
005 (Sediment Trap)	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0235202 (Mining permit no. 56990105), Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, renewal of an NPDES permit for reclamation only on a surface coal mine operation in Quemahoning Township, Somerset County, affecting 168.5 acres. Receiving stream(s): unnamed tributaries to/and the Stonycreek River, classified for the following use(s): cold water fishery/trout stocked fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: July 11, 2011.

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

The outfall(s) listed below discharge to unnamed tributaries to/and the Stonycreek River:

No treatment facilities exist on the permit because of reclamation only status.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
(003) Sedimentation Pond 1	N
(004) Sedimentation Pond 2	N
(006) Sedimentation Pond 3	N
(007) Sedimentation Pond 4	N

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

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

**NPDES No. PA0234192 (Mining permit no. 56960106), AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, renewal of an NPDES permit for a bituminous surface mine in Lincoln Township, Somerset County, affecting 352.6 acres. Receiving stream(s): North Branch Quemahoning Creek and Horner Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: September 21, 2011.

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

The treated wastewater outfall(s) listed below discharge to North Branch Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N
008	N
009	N

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA0259047 (Permit No. 16110102), Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Monroe Township, Clarion County, affecting 144.5 acres. Receiving

streams: Unnamed tributaries to Piney Creek and unnamed tributary to Brush Run, both classified for the following uses: CWF. TMDL: Lowe Clarion River. Application received: March 17, 2011.

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

The outfall(s) listed below discharge to unnamed tributary No. 2 to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		.75	1.5	1.8
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

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

The outfall(s) listed below discharge to unnamed tributary No. 6 to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP3	Y
TP4	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.8	5.6	6.5
Manganese (mg/l)		1.9	3.8	4.4
Aluminum (mg/l)		.75	1.5	1.8
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

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

The outfall(s) listed below discharge to unnamed tributary No. 8 to Brush Creek, unnamed tributary Nos. 2 and 6 to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	Y
SPB	Y
SPC	Y
SPD	Y
SPE	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0241539 (Permit No. 33990109). McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface and auger mine in Perry Township, **Jefferson County**, affecting 66.0 acres. Receiving streams: Perryville Run, classified for the following uses: CWF. TMDL: None. Application received: August 24, 2011.

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

The outfall(s) listed below discharge to Perryville Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N
TB	N
TF1	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to Perryville Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. 0257141 (Mining permit no. 17090104), RES Coal, LLC**, 8912 Clearfield-Curwensville Highway, Clearfield, PA 16830, new NPDES permit for bituminous coal surface mining in Woodward Township, **Clearfield County**, affecting 221 acres. Receiving streams: Whiteside Run and Moshannon Creek classified for the following use: Cold Water Fishery (Moshannon Creek Watershed TMDL). Application received: May 12, 2009.

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

The outfall listed below discharges to: Whiteside Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF1	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50

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

The outfalls listed below discharge to: Moshannon Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF3	Y
TF4	Y
TF5	Y
TF6	Y
TF7	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.3	2.6	3.3
Aluminum (mg/l)		0.75	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50

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

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0208442 (Permit No. 37910303). ESSROC Cement Corporation** (P. O. Box 779, Bessemer, PA 16112) Renewal of an NPDES permit for a large industrial minerals surface mine in North Beaver Township, **Lawrence County**, affecting 29.0 acres. Receiving streams: Unnamed tributary to Mahoning River, classified for the following use: WWF; and Hickory Run, classified for the following use: TSF. TMDL: None. Application received: June 13, 2011.

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

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

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90

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

The outfall(s) listed below discharge to Hickory Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. 0257591 (Mining permit no. 41110301), E & J Construction LLC**, 1842 Marsten Road, Canton, PA 17724-9317 new NPDES permit for Large Noncoal (Industrial Minerals) Surface Mining Permit in McNett Township, **Lycoming County**, affecting 21.2 acres. Receiving stream(s): North Pleasant Run classified for the following use(s): HQ-CWF. Application received: March 29, 2011.

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

The sedimentation pond outfall(s) to North Pleasant Run listed below require non-discharge alternatives:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-1	Y
SP-2	Y
SP-3	Y
SP-4	Y

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices. NPDES No. 0257486 (Mining permit no. 59100301), Wesley J. Cole, 343 Jess Drive Lane, Middlebury Center, PA 16935, new NPDES permit for Noncoal surface mining in Middlebury Township, Tioga County, affecting 20.0 acres. Receiving stream: Crooked Creek, classified for the following use: WWF. Application received: 12/17/10.

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

The outfall listed below discharges to: Crooked Creek.

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

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

**NPDES No. PA0117986 on Surface Mining Permit No. 8275SM3. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.** (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a large noncoal quarry

operation in Caernarvon and East Earl Townships, **Lancaster County**, affecting 123.0 acres. Receiving stream: unnamed tributary to Conestoga Creek, classified for the following use: warm water fishes. Application received: June 20, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Conestoga Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	Stormwater

**NPDES No. PA0594211 on Surface Mining Permit No. 22880302C6. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a Limestone/Dolomite Quarry operation in Lower Swatara Township, **Dauphin County**, affecting 126.0 acres. Receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: September 16, 2011.

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

The outfall(s) listed below discharge to Swatara Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	pit sump
002	N	pit sump

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-436. Higher Education Solutions, LLC**, 372 Center Avenue, Schuylkill Haven, PA 17972, in Dunmore Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place fill in 0.21 acre of isolated wetlands for the purpose of constructing a student housing facility.

The project is located on the south side of University Drive approximately 0.2 mile west of its intersection with SR 0347 (Oneill Highway) in Dunmore Borough, Lackawanna County (Olyphant, PA Quadrangle, Latitude: 41°26'18.5"; Longitude: -75°37'19").

**E40-717. William E. & Victoria H. Cannon**, 52 Owl Hole Road, White Haven, PA 18661, in Foster Township, **Luzerne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 20-foot wide driveway across 285 feet of EV wetlands with cross pipes spaced 10 feet on center. The driveway will impact 0.13 acre of wetlands. The project is located on the north side of SR 0940 approximately 1.7 miles southwest of its intersection with Interstate 80 (White Haven, PA Quadrangle, Latitude: 41°2'38"; Longitude: -75°48'1").

**E54-438. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451, in South Manheim Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a road crossing of a tributary to Bear Creek (CWF, MF) consisting of an 87-foot long, 95" by 67" corrugated metal pipe arch with metal end sections and riprap aprons. The project is located on the south side of West Deer View Drive (T-661) approximately 1.8 miles south of its intersection with SR 0895 in South Manheim Township, Schuylkill County (Friedensburg, PA Quadrangle, Latitude: 40°33'46.9"; Longitude: -76°9'1.2").

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

**E06-671: City of Reading**, Department of Public Works, 815 Washington Street, Reading, Pennsylvania 19601-3690, in Reading City, **Berks County**, ACOE Philadelphia District

The applicant proposes to: 1) conduct maintenance on an existing 42.0-inch force main beginning at the northern most crossing of the Schuylkill River (WWF, MF) (Latitude: 40°19'24.9594", Longitude: -75°55'37.5594") and terminating at the southern-most crossing of Angelica Creek (CWF, MF) (Latitude: 40°18'55.4394", Longitude: -75°54'43.5594"); 2) install and maintain 6,800.0 linear feet of 42.0-inch ductile iron force main in and across the Schuylkill River (WWF, MF) (Latitude: 40°19'24.9594", Longitude: -75°55'37.5594"), Angelica Creek (CWF, MF) (Latitude: 40°18'55.4394", Longitude: -75°54'43.5594"), and two wetlands associated with the Schuylkill River (WWF, MF) (Latitude: 40°18'33.1194", Longitude: -75°55'19.56"); 3) install and maintain temporary mat bridge wetland crossings in two wetlands associated with the Schuylkill River; 4) install and maintain 57,046.0 square feet of structures associated with the 42.0-inch force main in the floodway and floodplain of the Schuylkill River and Angelica Creek, all for the purpose of upgrading the sanitary sewer system. The project location begins at the northern most crossing of the Schuylkill River at the 6th and Canal Street Pump Station (WWF, MF) (Reading, PA Quadrangle; N: 13.5 inches, W: 7.3 inches; Latitude: 40°19'24.9594", Longitude: -75°55'37.5594") and terminates at the southern-most crossing of Angelica Creek (CWF, MF) (Latitude: 40°18'55.4394", Longitude: -75°54'43.5594") (Reading, PA Quadrangle; N: 10.7 inches, W: 6.5 inches; Latitude: 40°18'55.4394", Longitude: -75°54'43.5594"). The project will temporarily impact a total of 60.0 linear feet of stream, 0.403 acre of wetland and 49,695.0 square feet of floodway and floodplain. The project will permanently impact 7,351.0 square feet of floodway and floodplain.

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

**E02-1655.** The applicant proposes to construct a bridge having a span of 26.0 feet with an underclearance of 8.5 feet across the channel of Big Sewickley Creek (TSF) for the purpose of providing access to a three (3) lot residential subdivision. The project is located on the west side of Warrendale Bayne Road, approximately 1,300.0 feet north from the intersection of Warrendale Bayne Road and Cliff Road (Baden, PA Quadrangle N: 2.2 inches; W: 1.9 inches; Latitude: 40°-38'-14"; Longitude: 80°-08'-19") in Marshall Township, **Allegheny County** and will impact approximately 26.0 linear feet of stream channel.

**E32-497. GenOn Northeast Management Company**, 6121 Champion Way, Suite 200, Canonsburg, PA 15317, West Wheatfield Township, **Indiana County**. To reconstruct, expand, operate and maintain a 1.1 acre (expanded size) desilting basin within the floodplain of the Conemaugh River (WWF). The project is located at the GenOn Conemaugh Power Station along SR 2008 (USGS New Florence, PA Quadrangle N: 2.125 inches; W: 8.0 inches; Latitude: 40° 23' 15"; Longitude: 79° 03' 27").

**E63-636. East Bethlehem Township Board of Commissioners**, P. O. Box 687, 36 Water Street, Fredericktown, PA 15333, East Bethlehem Township, Washington County. The applicant proposes to construct, operate and maintain a 100 foot expansion of their existing 120' docking facility along the Monongahela River (WWF). The project is located along PA 88 (Water Street) at the East Bethlehem Township Offices. (USGS Carmichaels, PA

Quadrangle; N: 22.5 inches, W: 17 inches; Latitude: 40° 00' 00"; Longitude: 79° 59' 48") in East Bethlehem Township, **Washington County**.

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

**E4129-023: NFG Midstream Trout Run, LLC**, 6363 Main Street, Williamsville, N.Y. 14221, Gamble, Lewis, and McIntyre Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 18 inch culvert on an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 25 linear feet (Cogan Station Quadrangle 41°22'21" N 77°02'25" W),

(2) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 53 linear feet; (Trout Run Quadrangle 41°22'54" N 77°03'09" W),

(3) one 20 inch natural gas pipeline and 16 foot wide equipment matting impacting 18910 square feet of a palustrine forested (PFO) wetland adjacent to Lycoming Creek (EV, MF) (Trout Run Quadrangle 41°22'55" N 77°03'08" W),

(4) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 110 linear feet (Trout Run Quadrangle 41°23'10" N 77°02'57" W),

(5) one 20 inch natural gas pipeline and temporary cofferdam across Lycoming Creek (EV, MF) impacting 182 linear feet (Trout Run Quadrangle 41°23'18" N 77°02'59" W),

(6) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 60 linear feet (Trout Run Quadrangle 41°23'22" N 77°03'05" W),

(7) one 20 inch natural gas pipeline and 16 foot wide equipment matting impacting 1833 square feet of a palustrine emergent (PEM) wetland adjacent to Lycoming Creek (EV, MF) (Trout Run Quadrangle 41°23'22" N 77°03'06" W),

(8) one 8 inch natural gas pipeline, one 12 inch natural gas pipeline, one 16 inch waterline, and 32 foot wide equipment matting across an unnamed tributary to Fourmile Hollow (HQ-CWF, MF) impacting 92 linear feet (Trout Run Quadrangle 41°27'31" N 77°03'17" W).

The project will result in 522 linear feet of stream impacts and 0.48 acres of wetland impacts, all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E4129-021: Chief Gathering LLC**, 6051 Wallace Road, Suite 210, Wexford, Pa 15090, Franklin & Penn Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 8 inch natural gas pipeline bored to avoid impacting 60 linear feet of Marsh Run (CWF MF) and 19439 square feet of an adjacent palustrine forested (PFO) wetland (Sonestown PA Quadrangle 41°17'00"N 76°34'17"W),

2) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 16 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'17"N 76°34'54"W),



3) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 5 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'17"N 76°34'57"W),

4) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2275 square feet of a palustrine emergent (PEM) wetland (Sonestown PA Quadrangle 41°17'13"N 76°35'8"W),

5) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 80 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'04"N 76°35'13"W),

6) one 8 inch natural gas pipeline impacting 281 square feet of a palustrine emergent (PEM) wetland (Sonestown PA Quadrangle 41°17'02"N 76°35'15"W).

The project will result in 161 linear feet of temporary stream impacts and 0.50 acres of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

**E4129-024: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Anthony & Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across Mash Run (EV) impacting 50 linear feet (Salladasburg Quadrangle 41°19'25" N 77°11'38" W),

(2) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 50 linear feet; (Salladasburg Quadrangle 41°18'29" N 77°12'08" W),

(3) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 50 linear feet (Trout Run Quadrangle 41°18'07" N 77°12'26" W),

(4) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 50 linear feet (Trout Run Quadrangle 41°18'06" N 77°12'29" W),

(5) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 50 linear feet (Trout Run Quadrangle 41°17'51" N 77°12'51" W),

(6) one 12 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge across an unnamed tributary to Larrys Creek (EV) impacting 50 linear feet (Trout Run Quadrangle 41°17'49" N 77°13'00" W),

The project will result in 300 linear feet of stream impacts and 0.0 acres of wetland impacts, all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E5729-015: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a timber mat across an unnamed tributary to Pleasant Stream (EV, MF) impacting 33 linear feet (Grover Quadrangle 41°32'08"N 76°47'40"W),

(2) two 16.0 inch diameter temporary water lines and a timber mat impacting 362 square feet of a palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'08"N 76°47'33"W),

(3) two 16.0 inch diameter temporary water lines and a timber mat impacting 2504 square feet of palustrine forested (PFO) wetland (Grover Quadrangle 41°32'15"N 76°47'25"W),

(4) two 16.0 inch diameter temporary water lines and a timber mat across an unnamed tributary to Pleasant Stream (EV, MF) impacting 21 linear feet (Grover Quadrangle 41°32'20"N 76°46'59"W),

The project will result in 54 linear feet of temporary stream impacts and 2866 square feet of temporary wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of less than 0.01 acres of watercourse impacts and 0.07 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

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

To construct, operate and maintain:

1. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 68 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°41'4", Longitude: -76°18'57").

2. One 10 inch diameter waterline impacting 42 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°41'1", Longitude: -76°18'58").

3. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 44 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°40'57", Longitude: -76°18'59").

4. One 10 inch diameter waterline and a 16 foot wide equipment mat across a Palustrine Emergent Wetland and a Palustrine Emergent Wetland. Impacted Area: 71 square feet; (Wyalusing, PA Quadrangle, Latitude: 41°40'48", Longitude: -76°18'54").

5. One 10 inch diameter waterline impacting 9 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°40'49", Longitude: -76°18'53").

6. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 28 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) and an adjacent Palustrine Emergent Wetland impacting 13 square feet (Wyalusing, PA, Latitude: 41°40'48", Longitude: -76°18'53").

7. One 10 inch diameter waterline across a Palustrine Emergent Wetland, Palustrine Forested Wetland and a Palustrine Scrub-Shrub Wetland. Impacted Area: 744 square feet; (Wyalusing, PA Quadrangle, Latitude: 41°39'48", Longitude: -76°18'22").

8. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 54 linear feet of North Branch Sugar Run (CWF, MF) and an adjacent Palustrine Emergent Wetland impacting 5,799 square feet (Wyalusing, PA, Latitude: 41°39'24", Longitude: -76°18'20").

The project will result in 245 linear feet and 1,190 square feet of temporary stream impacts and 6,627 square feet (0.15 acres) of temporary PEM, PSS and PFO wetland impacts from temporary waterlines and temporary equipment mat crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E4029-002: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Dallas Township, **Luzerne County**, ACOE Baltimore District.

To construct and maintain:

1) a permanent road crossing impacting 1,894 square feet of a palustrine forested (PFO) wetland (Kingston, PA Quadrangle 41° 20' 51", -75° 56' 50");

2) a permanent road crossing impacting 7,346 square feet of a palustrine scrub shrub (PSS) wetland (Kingston, PA Quadrangle 41° 20' 54", -75° 56' 54");

3) a permanent road crossing impacting 10,320 square feet of a palustrine emergent (PEM) wetland (Kingston, PA Quadrangle 41° 20' 57", -75° 56' 54");

4) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 21,108 square feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle 41° 20' 59", -75° 56' 49");

5) a temporary road crossing using a 65 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 186 square feet of an unnamed tributary (UNT) to Trout Brook (CWF, MF) (Kingston, PA Quadrangle 41° 20' 58", -75° 56' 50");

6) a 24 inch natural gas pipeline impacting 183 lineal feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle 41° 21' 23", -75° 56' 56");

7) a 24 inch natural gas pipeline impacting 5 lineal feet of an unnamed tributary (UNT) to Toby Creek (CWF, MF) (Kingston, PA Quadrangle 41° 21' 26", -75° 56' 57");

8) a 24 inch natural gas pipeline impacting 364 lineal feet of a palustrine emergent, palustrine forested, palustrine scrub shrub (PEM1/PSS1/PFO1) wetland (Kingston, PA Quadrangle 41° 21' 29", -75° 56' 57");

9) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,892 square feet of a riparian scrub shrub (RP1SS6) wetland (Kingston, PA Quadrangle 41° 22' 05", -75° 57' 53");

10) a temporary road crossing using a 53 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 510 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 05", -75° 57' 53");

11) a temporary road crossing using a 144 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 656 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 14", -75° 58' 33");

12) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,315 square feet of a palustrine emergent (PEM1) wetland (Kingston, PA Quadrangle 41° 22' 14", -75° 58' 43");

13) a temporary road crossing using a 119 feet long, 13 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,001 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 12", -75° 58' 46");

14) a temporary road crossing using a 406 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,055 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 11", -75° 58' 53");

15) a temporary road crossing using a 117 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 963 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 20", -75° 59' 10");

16) a temporary road crossing using a 87 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 274 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 24", -75° 59' 11");

17) a 24 inch natural gas pipeline impacting 420 lineal feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle and Center Moreland, PA Quadrangle 41° 22' 29", -75° 59' 11");

18) a 24 inch natural gas pipeline impacting 62 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 25", -75° 59' 11");

19) a 24 inch natural gas pipeline impacting 7 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 28", -75° 59' 12");

20) a 24 inch natural gas pipeline impacting 4 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 28", -75° 59' 12");

21) a 24 inch natural gas pipeline impacting 326 lineal feet of a palustrine emergent and palustrine scrub shrub (PEM1/PSS1) wetland (Kingston, PA Quadrangle 41° 22' 29", -75° 59' 11");

22) a 24 inch natural gas pipeline impacting 17 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 22' 32", -75° 59' 13");

23) a 24 inch natural gas pipeline impacting 338 lineal feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 05", -75° 59' 15");

24) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 569 square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 08", -75° 59' 15");

25) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,520 square feet to a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 10", -75° 59' 16");

26) a temporary road crossing using a 128 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 552 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 10", -75° 59' 16");

27) a temporary road crossing using a 109 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 547 square feet to an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 19", -75° 59' 08");

28) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 6,132

square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 20", -75° 59' 08");

29) a temporary road crossing using a 118 feet long, 13 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 770 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 23", -75° 59' 08");

30) a temporary road crossing using a 395 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 1,232 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 59");

31) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 730 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 29", -75° 59' 01").

The Wyoming Pipeline project will gather natural gas from well sites located around Wyoming County and convey it to a meter station located in Dallas Township, Luzerne County; where it will enter the Williams Transco Natural Gas Transmission Line. The project will result in 2,451 linear feet (14,357 square feet) of temporary stream impacts and a total of 2.69 acres of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line, freshwater line, fiber optic cable, and associated access roadways. Wetland mitigation will be determined by the Department, during the permit review process.

**E6629-003: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Washington, Lemon, Tunkhannock, Eaton and Monroe Townships, **Wyoming County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a 106 feet long, 18 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,777 square feet to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 58");

2) a temporary road crossing using a 158 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 751 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 57");

3) a temporary road crossing using a timber mat bridge impacting 455 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 25", -75° 58' 57");

4) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 5,510 square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

5) a temporary road crossing using a 37 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 139 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

6) a temporary road crossing using a 39 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 168 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

7) a temporary road crossing using a 164 feet long, 25 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,663 square feet of Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 43", -75° 59' 03");

8) a temporary road crossing using a 78 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 324 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 03");

9) a temporary road crossing using a 106 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 280 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 08", -75° 59' 10");

10) a temporary road crossing using a 115 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 410 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 11", -75° 59' 12");

11) a temporary road crossing using a 104 feet long, 7 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 492 square feet of an ephemeral unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 11", -75° 59' 13");

12) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 36,964 square feet of a palustrine scrub shrub (PSS1) wetland (Center Moreland, PA Quadrangle 41° 24' 26", -75° 59' 22");

13) a temporary road crossing using a 112 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 753 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 25", -75° 59' 21");

14) a temporary road crossing using a 132 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 168 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 33", -75° 59' 19");

15) a temporary road crossing using a 49 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 147 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 46", -75° 59' 28");

16) a temporary road crossing using a 184 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,433 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 48", -75° 59' 33");

17) a temporary road crossing using a 85 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 310 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 17", -76° 00' 04");

18) a temporary road crossing using a 105 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,325 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 18", -76° 00' 07");

19) a temporary road crossing using a 91 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 150 square feet of an unnamed tribu-

tary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 19", -76° 00' 08");

20) a temporary road crossing using a 49 feet long, 4 feet wide timber mat bridge impacting 191 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 53", -76° 02' 19");

21) a temporary road crossing using a 39 feet long, 4 feet wide timber mat bridge impacting 163 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 28' 29", -76° 02' 21");

22) a temporary road crossing using a 101 feet long, 38 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 3,887 square feet of Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 26", -76° 00' 33");

23) a temporary road crossing using a 102 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 265 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 24", -76° 00' 34");

24) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 25' 20", -76° 00' 39");

25) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 13,907 square feet of a palustrine forested (PFO1) wetland (Noxen, PA Quadrangle 41° 25' 15", -76° 01' 01");

26) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,976 square feet of a palustrine forested (RP1FO6) wetland (Noxen, PA Quadrangle 41° 25' 15", -76° 01' 19");

27) a temporary road crossing using a 275 feet long, 18 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,046 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 16", -76° 01' 19");

28) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 6,241 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 25' 13", -76° 01' 23");

29) a 24 inch natural gas pipeline impacting 102 lineal feet of Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 38", -76° 01' 37");

30) a temporary road crossing using a 49 feet long, 10 feet wide timber mat bridge impacting 414 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 38", -76° 01' 41");

31) a temporary road crossing using a 147 feet long, 17 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 3,716 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 46", -76° 01' 46");

32) a temporary road crossing using a 127 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 563 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 47", -76° 01' 47");

33) a temporary road crossing using a 140 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 434 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 53", -76° 01' 58");

34) a temporary road crossing using a 138 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 812 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 56", -76° 02' 00");

35) a temporary road crossing using a 115 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 406 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 57", -76° 02' 01");

36) a temporary road crossing using a 144 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 592 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 03", -76° 02' 07");

37) a temporary road crossing using a 116 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 352 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 03", -76° 02' 07");

38) a temporary road crossing using a timber mat bridge impacting 189 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 26' 05", -76° 02' 08");

39) a temporary road crossing using a 38 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 103 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 05", -76° 02' 10");

40) a temporary road crossing using a 164 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,157 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 41", -76° 02' 08");

41) a temporary road crossing using a 104 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 626 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 43", -76° 02' 09");

42) a temporary road crossing using a 122 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 664 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 45", -76° 02' 09");

43) a temporary road crossing using a 207 feet long, 10 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,004 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 51", -76° 02' 09");

44) a temporary road crossing using a 167 feet long, 25 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,536 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 58", -76° 02' 09");

45) a temporary road crossing using a 48 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 182 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 59", -76° 02' 09");

46) a temporary road crossing using a 68 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 213 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 03", -76° 02' 09");

47) a temporary road crossing using a 219 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 416 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 03", -76° 02' 09");

48) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 10,983 square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 27' 10", -76° 02' 10");

49) a temporary road crossing using a 291 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 695 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 10", -76° 02' 10");

50) a temporary road crossing using a 119 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,333 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 12", -76° 02' 10");

51) a temporary road crossing using a 795 feet long, 4 feet wide timber mat bridge impacting 671 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 22", -76° 01' 57");

52) a temporary road crossing using a timber mat bridge impacting 838 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 23", -76° 02' 01");

53) a temporary road crossing using a 116 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 256 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA 41° 27' 23", -76° 02' 11");

54) a temporary road crossing using a 104 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 636 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 27", -76° 02' 12");

55) a temporary road crossing using a 129 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 713 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 30", -76° 02' 12");

56) a temporary road crossing using a 19 feet long, 3 feet wide timber mat bridge impacting 79 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 33", -76° 02' 06");

57) a temporary road crossing using a 111 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 388 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 32", -76° 02' 12");

58) a temporary road crossing using a 112 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 730 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 35", -76° 02' 12");

59) a temporary road crossing using a timber mat bridge impacting 2,969 square feet of a palustrine emergent (PFO1) wetland (Noxen, PA Quadrangle 41° 27' 36", -76° 02' 06");

60) a temporary road crossing using a 37 feet long, 6 feet wide timber mat bridge impacting 199 square feet of

an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 39", -76° 02' 10");

61) a temporary road crossing using a timber mat bridge impacting 1,374 square feet of a palustrine forested (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 39", -76° 02' 10");

62) a temporary road crossing using a 21 feet long timber mat bridge impacting 33 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 41", -76° 02' 14");

63) a temporary road crossing using a 84 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 488 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 44", -76° 02' 14");

64) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 13,787 square feet of palustrine forested (PFO) wetland (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 19");

65) a temporary road crossing using a 139 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 376 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 17");

66) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,140 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 50", -76° 02' 20");

67) a temporary road crossing using a 375 feet long, 20 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 920 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 18");

68) a temporary road crossing using a 105 feet long, 43 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 5,096 square feet to stream Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 52", -76° 02' 18");

69) a temporary road crossing using a 453 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,319 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 54", -76° 02' 17");

70) a temporary road crossing using a timber mat bridge impacting 478 square feet of a palustrine forest (PFO1) wetland (Noxen, PA Quadrangle 41° 27' 56", -76° 02' 18");

71) a temporary road crossing using a 88 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 204 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 19", -76° 02' 23");

72) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,491 square feet of a palustrine forest (PFO) wetland (Noxen, PA Quadrangle 41° 28' 26", -76° 02' 26");

73) a temporary road crossing using a 490 feet long, 12 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,627 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 27", -76° 02' 26");

74) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,444

square feet of a palustrine forest (PFO) wetland (Noxen, PA Quadrangle 41° 28' 27", -76° 02' 28");

75) a temporary road crossing using a 157 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 662 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 29", -76° 02' 27");

76) a temporary road crossing using a 113 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 448 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 31", -76° 02' 28");

77) a temporary road crossing using a 122 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 301 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 33", -76° 02' 28");

78) a temporary road crossing using a 106 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 337 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 33", -76° 02' 28");

79) a temporary road crossing using a 54 feet long, 54 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 86 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 37", -76° 02' 27");

80) a temporary road crossing using a 35 feet long, 35 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 33 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 38", -76° 02' 27");

81) a temporary road crossing using a 120 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 116 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 39", -76° 02' 26");

82) a temporary road crossing using a 109 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,571 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 41", -76° 02' 25");

83) a temporary road crossing using a 101 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 375 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 54", -76° 02' 35");

84) a temporary road crossing using a 41 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 41 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 02", -76° 02' 39");

85) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 606 square feet of a palustrine emergent (PEM) wetland (Noxen, PA Quadrangle 41° 29' 03", -76° 02' 39");

86) a temporary road crossing using a 3 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 10 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 05", -76° 02' 39");

87) a temporary road crossing using a 175 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 495 square feet of an unnamed tribu-

tary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 08", -76° 02' 41");

88) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,104 square feet of a palustrine open water (POW) wetland (Noxen, PA Quadrangle 41° 29' 09", -76° 02' 41");

89) a temporary road crossing using a 102 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 796 square feet of Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 27", -76° 02' 07");

90) a temporary road crossing using a 49 feet long, 6 feet wide timber mat bridge impacting 74 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 39", -76° 01' 22");

91) a temporary road crossing using a 162 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 361 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 46", -76° 00' 54");

92) a temporary road crossing using a 153 feet long, 39 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,933 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 46", -76° 00' 53");

93) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 26 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 43");

94) a temporary road crossing using a 169 feet long, 3 feet wide timber mat bridge impacting 486 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 35");

95) a temporary road crossing using a timber mat bridge impacting 550 square feet of a palustrine forested (PFO1) wetland (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 33");

96) a temporary road crossing using a 30 feet long, 2 feet wide timber mat bridge impacting 60 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 33");

97) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,327 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 31");

98) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 3,517 square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 31");

99) a temporary road crossing using a 10 feet long, 8 feet wide timber mat bridge impacting 79 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 44", -76° 00' 30");

100) a temporary road crossing using a 139 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 396 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 29");

101) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,983

square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 29");

102) a temporary road crossing using a 103 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 230 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 27");

103) a temporary road crossing using a 101 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 406 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 23");

104) a temporary road crossing using a 113 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 489 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 22");

105) a temporary road crossing using a 110 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 707 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 49", -76° 00' 19");

106) a temporary road crossing using a 108 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 257 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 17");

107) a temporary road crossing using a 128 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 523 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 15");

108) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,009 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 13");

109) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 3,962 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 11");

110) a temporary road crossing using a 28 feet long, 1 foot wide timber mat bridge and a 24 inch natural gas pipeline impacting 32 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 10");

111) a temporary road crossing using a 111 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 253 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 10");

112) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 14,669 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 08");

113) a temporary road crossing using a 46 feet long, 2 feet wide timber mat bridge impacting 200 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 08");

114) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 2,495 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 05");

115) a temporary road crossing using a 93 feet long, 2 feet wide timber mat bridge impacting 292 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 03");

116) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,975 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 60");

117) a temporary road crossing using a 55 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 240 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 57");

118) a temporary road crossing using a 111 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 550 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 05", -75° 59' 57");

119) a temporary road crossing using a 98 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 300 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 50", -75° 59' 56");

120) a temporary road crossing using a 281 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,580 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 54");

121) a temporary road crossing using a timber mat bridge impacting 3,028 square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 53");

122) a temporary road crossing using a 86 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 213 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 52");

123) a temporary road crossing using a 139 feet long, 3 feet wide timber mat bridge impacting 355 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 51");

124) a temporary road crossing using a 120 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 428 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 51");

125) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 8,730 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 54", -75° 59' 48");

126) a temporary road crossing using a 41 feet long, 2 feet wide timber mat bridge impacting 117 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 54", -75° 59' 48");

127) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 150 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 58", -75° 59' 39");

128) a temporary road crossing using a 104 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 328 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 57", -75° 59' 39");

129) a temporary road crossing using a 144 feet long, 4 feet wide timber mat bridge impacting 512 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 07", -75° 59' 19");

130) a temporary road crossing using a 108 feet long, 16 feet wide timber mat bridge impacting 596 square feet of Sugar Hollow Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 25", -75° 59' 09");

131) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,999 square feet of a palustrine emergent (PEM) wetland (Tunkhannock, PA Quadrangle 41° 30' 48", -75° 58' 44");

132) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 385 square feet of a palustrine emergent (PEM) wetland (Tunkhannock, PA Quadrangle 41° 30' 48", -75° 58' 44");

133) a temporary road crossing using a 106 feet long, 21 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,783 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 50", -75° 58' 27");

134) a temporary road crossing using a 426 feet long, 26 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 5,832 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 57", -75° 58' 27");

135) a temporary road crossing using a 106 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 432 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 60", -75° 58' 27");

136) a temporary road crossing using a 465 feet long, 96 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,183 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 27", -75° 58' 22");

137) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,203 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 26", -75° 58' 22");

138) a temporary road crossing using a 109 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 403 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 31", -75° 58' 21");

139) a temporary road crossing using a 89 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 228 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 33", -75° 58' 22");

140) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,394 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 34", -75° 58' 20");

141) a temporary road crossing using a 114 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 458 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 34", -75° 58' 22");

142) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 2,835 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 36", -75° 58' 23");

143) a temporary road crossing using a 129 feet long, 7 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 727 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 38", -75° 58' 24");

144) a temporary road crossing using a 103 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 239 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 40", -75° 58' 25");

145) a temporary road crossing using a 103 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 391 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 25");

146) a temporary road crossing using a 107 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 528 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 25");

147) a temporary road crossing using a timber mat bridge impacting 888 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 24");

148) a temporary road crossing using a 52 feet long timber mat impacting 254 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 49", -75° 58' 29");

149) a temporary road crossing using a 132 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 637 square feet of an unnamed tributary (UNT) to Susquehanna River (CWF, MF) (Tunkhannock, PA Quadrangle 41° 32' 14", -75° 58' 32");

150) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,920 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 32' 17", -75° 58' 34");

151) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 9,347 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 32' 18", -75° 58' 33");

152) a 24 inch natural gas pipeline impacting 754 lineal feet of the Susquehanna River (CWF, MF) (Tunkhannock, PA Quadrangle 41° 32' 37", -75° 58' 31");

153) a temporary road crossing using a 143 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 388 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 14", -75° 58' 03");

154) a temporary road crossing using a 104 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,361 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 14", -75° 58' 03");

155) a temporary road crossing using a timber mat impacting 2,517 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 33' 23", -75° 57' 50");

156) a temporary road crossing using a 25 feet long timber mat impacting 45 square feet of an unnamed



tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 23", -75° 57' 49");

157) a temporary road crossing using a 88 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 1,131 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 20", -75° 57' 46");

158) a temporary road crossing using a 144 feet long, 27 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,819 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 20", -75° 57' 46");

159) a temporary road crossing using a 45 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 279 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 05", -75° 57' 16");

160) a 24 inch natural gas pipeline impacting 303 lineal feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 19", -75° 57' 07");

161) a 24 inch natural gas pipeline impacting 4 lineal feet of Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 21", -75° 57' 06");

162) a temporary road crossing using a timber mat bridge impacting 1,428 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 34' 27", -75° 56' 58");

163) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 12 square feet of a palustrine scrub shrub (PSS1) wetland (Tunkhannock, PA Quadrangle 41° 34' 33", -75° 57' 02");

164) a 24 inch natural gas pipeline impacting 1221 lineal feet of a palustrine forested, palustrine scrub shrub, palustrine emergent (PFO1/PSS1/PEM1) wetland (Tunkhannock, PA Quadrangle 41° 34' 49", -75° 57' 02");

165) a 24 inch natural gas pipeline impacting 1176 lineal feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 40", -75° 57' 01");

166) a temporary road crossing using a 85 feet long timber mat impacting 239 square feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

167) a temporary road crossing using a 31 feet long timber mat impacting 222 square feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

168) a temporary road crossing using a timber mat bridge impacting 844 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 57", -75° 57' 12");

169) a temporary road crossing using a timber mat bridge impacting 1,054 square feet of a palustrine scrub shrub (PSS1) wetland (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

170) a temporary road crossing using a timber mat bridge impacting 16 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 57", -75° 57' 15");

171) a 24 inch natural gas pipeline impacting 873 lineal feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 35' 14", -75° 57' 13");

172) a temporary road crossing using a 83 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 162 square feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 26", -75° 57' 16");

173) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 10,314 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 35' 37", -75° 57' 43");

174) a temporary road crossing using a 95 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 403 square feet of an unnamed tributary (UNT) to Taques Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 36", -75° 57' 44");

175) a temporary road crossing using a 49 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 89 square feet of an unnamed tributary (UNT) to Taques Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 36", -75° 57' 58");

176) a permanent impact by the construction of a compressor station impacting 308 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 14", -75° 57' 43");

177) a permanent impact by the construction of a compressor station impacting 1,728 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 14", -75° 57' 46");

178) a permanent impact by the construction of a compressor station impacting 430 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 15", -75° 57' 51");

179) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 37,312 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 36' 19", -75° 57' 53");

180) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 857 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 36' 29", -75° 57' 45");

181) a temporary road crossing using a 84 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 657 square feet of an unnamed tributary (UNT) to Billings Mill Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 36' 29", -75° 57' 43");

182) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,235 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 58", -75° 57' 44");

183) a temporary road crossing using a 123 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,010 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 36' 58", -75° 57' 43");

184) a 24 inch natural gas pipeline impacting 22 lineal feet of Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 14", -75° 57' 43");

185) a temporary road crossing using a 34 feet long, 2 feet wide timber mat bridge impacting 112 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 19", -75° 57' 28");

186) a temporary road crossing using a 24 feet long, 2 feet wide timber mat bridge impacting 91 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 18", -75° 57' 30");

187) a temporary road crossing using a 10 feet long, 2 feet wide timber mat bridge impacting 28 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 15", -75° 57' 34");

188) a temporary road crossing using a 136 feet long, 14 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,469 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 23", -75° 57' 44").

The Wyoming Pipeline project will gather natural gas from well sites located around Wyoming County and convey it to a meter station located in Dallas Township, Luzerne County; where it will enter the Williams Transco Natural Gas Transmission Line. The project will result in 15,146 linear feet (83,052 square feet) of temporary stream impacts and a total of 4.40 acres of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line, freshwater line, fiber optic cable, and associated access roadways. Wetland mitigation will be determined by the Department, during the permit review process.

**E0829-014: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 203 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'14", Longitude: -76°29'26");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 64 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°29'30");

3. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'23", Longitude: -76°30'02");

4. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");

5. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");

6. a 16 inch diameter natural gas line across Black Creek (EV-MF) impacting 15 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'53");

7. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 64 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'00", Longitude: -76°31'52");

8. a 16 inch diameter natural gas line across Millstone Creek (HQ-CWF,MF) impacting 4 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");

9. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 7 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'24", Longitude: -76°32'39");

10. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 107 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'41");

11. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'42");

12. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 13 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'45", Longitude: -76°33'21");

13. a 16 inch diameter natural gas line across Chilson Run (HQ-CWF,MF) impacting 21 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°37'27", Longitude: -76°33'40");

14. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 151 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'27");

15. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Black Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'23");

16. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");

17. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'00", Longitude: -76°31'35");

18. a 16 inch diameter natural gas line across an unnamed tributary to Level Branch (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");

19. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 33 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'36");

20. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'38");

21. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'07", Longitude: -76°32'31");

22. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Lick Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°32'42");

23. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'13", Longitude: -76°32'46");

24. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 8,851 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°29'57");

25. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 2,050 square feet; (Overton, PA Quadrangle, Latitude: 41°35'22", Longitude: -76°30'02");

26. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

27. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 18 square feet; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");

28. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 51 square feet; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");

29. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 1,400 square feet; (Overton, PA Quadrangle, Latitude: 41°35'36", Longitude: -76°30'12");

30. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 9,013 square feet; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'56");

31. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub (PSS) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");

32. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 624 square feet; (Overton, PA Quadrangle, Latitude: 41°36'15", Longitude: -76°32'16");

33. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 273 square feet; (Overton, PA Quadrangle, Latitude: 41°36'18", Longitude: -76°32'23");

34. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 177 square feet; (Overton, PA Quadrangle, Latitude: 41°36'19", Longitude: -76°32'27");

35. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 69 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

36. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Forested Wetland (PFO) impacting 460 square feet; (Overton, PA Quadrangle, Latitude: 41°36'23", Longitude: -76°32'36");

37. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 123 square feet; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'40");

38. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 658 square feet; (Overton, PA Quadrangle, Latitude: 41°36'35", Longitude: -76°33'08");

39. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 260 square feet; (Overton, PA Quadrangle, Latitude: 41°37'11", Longitude: -76°33'47");

40. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) impacting 81 square feet; (Overton, PA Quadrangle, Latitude: 41°37'26", Longitude: -76°33'39");

41. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 162 square feet; (Overton, PA Quadrangle, Latitude: 41°37'28", Longitude: -76°33'40");

42. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 54 square feet; (Powell, PA Quadrangle, Latitude: 41°37'43", Longitude: -76°33'32");

43. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 6,972 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'26");

44. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 1,187 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

45. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PFO) impacting 63 square feet; (Overton, PA Quadrangle, Latitude: 41°34'30", Longitude: -76°30'23");

46. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 565 square feet; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'24");

47. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,815 square feet; (Overton, PA Quadrangle, Latitude: 41°34'35", Longitude: -76°30'38");

48. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,455 square feet; (Overton, PA Quadrangle, Latitude: 41°34'38", Longitude: -76°30'46");

49. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 775 square feet; (Overton, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°32'47");

The project will result in 1,710 linear feet and 13,783 square feet of temporary stream impacts, 41,354 square feet (0.95 acres) of PEM/PSS/PFO temporary wetland impacts and 460 square feet (0.01 acres) of PEM/PSS/PFO permanent wetland impacts all for the purpose of installing a waterline with associated access roadways.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1009-017. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh COE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,800 linear feet of dangerous highwall. The project will also include the backfilling of 0.21 acres of open water that has developed at the base of the highwall. (West Sunbury Quadrangle N: 7 inches, W: 13.5 inches). the protest or comments

within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S05-017: SunGard Availability Services, Inc.** (401 North Broad Street, Philadelphia, PA 19108) for operation of a computer facilities management facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include nine (9) emergency generators, each firing diesel fuel oil and rated between 1750kw—2,036 kW.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users

may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061077 (Sewage)	Lake Winola Municipal Authority State Route 2010 Lake Winola, PA 18625	Wyoming County Tunkhannock Township	Ousterhout Creek (Mill Run) Cold water fishes (4-G)	Y
PA0063444 (Sewage)	Butler Township Municipal Authority 572 Dutchtown Road Ashland, PA 17921	Schuylkill County Butler Township	Mahanoy Creek (06B)	Y
PA0040444 (Sewage)	Pocono Mountain High School (Swiftwater Campus) School Road Swiftwater, PA 18370	Monroe County Pocono Township	Swiftwater Creek (1-E)	Y
PA0061361 (Sewage)	Smithfield Sewer Authority WWTP 1155 Red Fox Road East Stroudsburg, PA 18301-9106	Monroe County Smithfield Township	Little Sambo Creek (01E)	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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088064 (CAFO)	Country View Family Farms, LLC 1301 Fulling Mill Road Middletown, PA 17057 and Porcine Farms, LLC 411 Chestnut Street Lebanon, PA 17042	Perry County / Jackson Township	Watershed 7-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0228231 (Sewage)	Lower Mahanoy Twp Municipal Auth. Lower Mahanoy Twp WWTP 132 River Road Dalmatia, PA 17017	Lower Mahanoy Township, Northumberland County	Susquehanna River, WWF	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0055671 (Sewage)	Berwick Place STP E Mt Kirk Road Worcester, PA 19490-0767	Montgomery County Worcester Township	Unnamed Tributary to Skippack Creek (3-E)	Y

In the final permit Phosphorus limit is adjusted based on plant performance at an existing load as follows:

Parameter	Effluent Limitations			Concentrations (mg/l)		Inst. Maximum
	Average Month	Mass Units (lbs/Day) Daily Maximum	Average Month	Daily Maximum		
Phosphorus as P	0.5	1.0	1.5	Report		3.0

\*\*\*\*Renewal individuals

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 ?
PA0220817 (Industrial Waste)	TA Operating, LLC 24601 Center Ridge Road Westlake, OH 44145	Venango County Barkeyville Borough	Unnamed tributary to East Branch Wolf Creek 20-C	Y

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

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

**NPDES Permit No. PA0026361-A1**, Sewage, SIC Code 4952, **Lower Lackawanna Valley Sanitary Authority**, PO Box 2067, Coxton Road, Duryea, PA 18642-2067.

This existing facility is located in Duryea Borough, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit amendment for the purpose of revising the construction activity dates contained in the compliance schedule in Part C of the permit, for an existing discharge of treated sewage.

**NPDES Permit No. PAS602206-A1**, Stormwater, SIC Code 5015, 5093, **Sibum's Auto Parts, Inc.**, 932 Analomink Road, East Stroudsburg, PA 18301.

This existing facility is located in Stroud Township, **Monroe County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of stormwater from an auto parts facility.

**NPDES Permit No. PA0046272**, Sewage, SIC Code 4952, **Porter Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980.

This existing facility is located in Porter Township, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage to Wiconisco Creek (6-C), WWF & MF.

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

**NPDES Permit No. PA0026484, Amendment No. 1**, Sewage, **Mr. Wayne Schutz, Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453.

This proposed facility is located in Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Swatara Creek in Watershed 7-D.

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

**PA0020036**, Sewage, SIC Code 4952, **Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912-1125. Facility Name: Blossburg Municipal Authority STP. This existing facility is located in Blossburg Borough, **Tioga County**.

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

The receiving stream(s), Tioga River, is located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	83	133	XXX	25	40	50
Total Suspended Solids	100	150	XXX	30	45	60

## NOTICES

<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>
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Phosphorus	6.5	10	XXX	2.0	3.0	4.0

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	7306			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	974			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on 10/1/2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by 11/28/2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until 9/30/2013.

In addition, the permit contains the following major special conditions: Chesapeake Bay Requirements, Solids Management Requirements, and Sludge Disposal Conditions

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.

**PA0020567**, Sewage, SIC Code 4952, **Northumberland Borough Sewer Authority** Northumberland County, 100 Water Street, Northumberland, PA 17857-1945. Facility Name: Northumberland Sewer Authority WWTP. This existing facility is located in Northumberland Borough, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to Susquehanna River, is located in State Water Plan watershed 5-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.125 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	234	375	XXX	25	40	50
Total Suspended Solids	281	422	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		

<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>
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The 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	Report			
Net Total Nitrogen (Final)	Report	26748			
Net Total Phosphorus	Report	Report			
Net Total Phosphorus (Final)	Report	2740			

\* 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 9/30/2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR - Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

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

- Solids Management
- Sludge Disposal Requirements
- WET Test Condition

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.

**NPDES Permit No. PA0028461**, Sewage, SIC Code 4952, **Mifflinburg Borough**, 120 N 3rd Street, Mifflinburg, PA 17844-1134.

This existing facility is located in Mifflinburg Borough, **Union County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

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

**WQM Permit No. 4611405**, Sewage, **Mr. Nathan Kleintop, Owner**, 677 Kulp Road, Perkiomenville, PA 18074.

This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant for a single family residence.

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

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

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

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

**WQM Permit No. 3910403**, SIC Code 4952, **Coplay Whitehall Sewer Authority**, 3213 MacArthur Road, Whitehall, PA 18052.

This proposed facility is located in Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the replacement and realignment of segments of the Coplay Creek Interceptor and Lehigh Creek Interceptor.



**WQM Permit No. WQG022218**, SIC Code 4952, **Smithfield Sewer Authority** Monroe County, 1155 Red Fox Road, East Stroudsburg, PA 18301.

This proposed facility is located in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Construction of Marshall Creek Pump Station and related sewer extension.

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

**WQM Permit No. 2294401, Amendment 10-1**, Sewerage, **West Hanover Water & Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112.

This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of sewage facilities consisting of: a new influent pump station, screening removal facilities, biological treatment including an additional SBR tank with associated facilities and additional digester tankage, UV equipment replacement and upgrade auxiliary power facilities.

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

**WQM Permit No. 5911401**, SIC Code 4952, **Nathan Singer**, 2210 Balsam Road, Wellsboro, PA 16901. Facility Name: Nathan Singer SRSTP.

This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Activity: The WQM permit is for the replacement of the current onlot system that will be replaced by a single residence sewage treatment plant.

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

**WQM Permit No. 0211201**, Industrial Waste, **US Steel Corp., Mon Vly Works, Edgar Thomson Plt.**, 13th St & Braddock Ave., Braddock, PA 15104

This proposed facility is located in Braddock Boro, **Allegheny Cnty**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a new basic oxygen process blowdown WWTP.

**WQM Permit No. 3086401-A2**, Sewerage, **Lower Ten Mile Jt. Sew. Auth.**, 144 Chartiers Rd., Jefferson, PA 15344

This existing facility is located in Morgan Twp., **Greene Cnty**

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 6589410-A2**, Sewerage, **Ashbridge Oil Co., Inc.** 335 Nees Ave., Johnstown, PA 15904-1239

This existing facility is located in Donegal Twp., **Westmoreland Co.**

Description of Proposed Action/Activity: Permit amendment issuance.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011505074-R	The Rutt Family Sonshine, LP 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	Chester	Honey Brook Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023911004	City of Allentown 3000 Parkway Blvd. Allentown, PA 18104	Lehigh	City of Allentown	Lehigh River, WWF, MF
PAI023911009	Monogram Land Holding, LTD 6366 Robin Road Coopersburg, PA 18106	Lehigh	Upper Macungie Twp.	Cedar Creek, HQ-CWF, MF

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

*Washington County Conservation District, 100 West Beau Street, Suite 105, Washington, PA 15301*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310011	Washington County Council on Economic Development 40 S. Main Street Washington, PA 15301	Washington	Hanover Township	UNT of Raccoon Creek (WWF)

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724.438.4497)*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052611005	GBT Realty Bob Gage 201 Summit View Dr. Suite 110 Brentwood, TN 37027	Fayette	Wharton Township	Deadman Run/ Meadow Run (HQ-WWF)

*Washington County Conservation District, 100 West Beau Street, Suite 105, Washington, PA 15301, (724.228.6774)*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056311005	McMurray Cooling & Heating John Fink 33 South Central Ave. Canonsburg, PA 15317	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

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

*Crawford Conservation District: Woodcock Nature Center, 21742 German Road, Meadville PA 16335*

*Elk Conservation District: Elk Courthouse Annex, 300 Center Street, PO Box 448, Ridgway PA 15853*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0620 11 001	Jason Howles Enterprises 27828 Patterson Road Guys Mills PA 16327	Crawford	Woodcock Township	Unt Woodcock Creek HQ; CWF
PAI 0624 11 003	USCOE Pittsburgh District 2200 W.S. Moorhead Federal Bldg 1000 Liberty Avenue Pittsburgh PA 15222-4186	Elk	Jones Township	East Branch Clarion River / Upper Clarion River Watershed HQ; CWF'

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG0200 0910051-R	Plough Lane Associates, Inc. 4030 Skyrun Drive, Suite H Doylestown, PA 18901	Unnamed Tributary Pine Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG0200 0911046	Zaveta Custom Homes, LLC 3040 Skyrun Drive, Suite H Doylestown, PA 18901	Unnamed Tributary Pidcock Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG0200 1511028	Southern Chester County Soccer Association 1 Hilltop Road Kennett Square, PA 19348	Red Clay Creek (TSF-CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pocopson Township Chester County	PAG0200 1511025	Bainbridge Homes, Inc. 276A Dilworthtown Road West Chester, PA 19382	Pocopson Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Caln Township Chester County	PAG0200 1511017	Leroy J. Lapp 283 Beacon Light Road Parkesburg, PA 19365	Unnamed Tributary Indian Spring Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4610062	Valley Forge Colonial, LP 1628 JFK Boulevard 8 Penn Center, 23rd Fl Philadelphia, PA 19103	Trout Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4605100-1	Wings Field Preservation Assoc 1501 Narcissa Road Blue Bell, PA 19422	Unnamed Tributary Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4609006-1	Montgomery County Community College 340 DeKalb Pike Blue Bell, PA 19422	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Schwenksville Borough Montgomery County	PAG0200 4609100	Schwenksville Investment Prop 1202 North Gravel Pike Zeiglersville, PA 19492	Perkiomen Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4611049	Moulton Builders, Inc. 301 North Broad Street Lansdale, PA 19446	Skippack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 46052004-IR	Lower Merion School District 301 East Montgomery Avenue Ardmore, PA 19003	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4611038	Jeff Buckman 105 Airport Road Pottstown, PA 19464	Brooke Evans Run and Possum Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5108036	Ranger Properties, LLC 434 Broadway, 8th Floor New York, NY 10013	Schuylkill River A (MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 5106026-R	Westrum Development Company 370 Commerce Drive Fort Washington, PA 19034	Tacony Creek /Frankfurt Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511114	Children's Hospital of Philadelphia 34th and Civic Center Boulevard Philadelphia, PA 19104-4699	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511105	City of Philadelphia, Department of Recreation 1515 Arch Street One Parkway Bldg 10th Fl Philadelphia, PA 19102	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Salem Township, Luzerne County	PAG02004011011	PPL Corporation Barry Acker 651 Delp Road Lancaster, PA 17601	UNT to Susquehanna River, CWF, MF	Luzerne County Cons. Dist. 570-674-7991
Plains Township, Luzerne County	PAG02004011016	Richland Real Estate Investments, LTD Robert Tamburro 1140 Route 315 Wilkes-Barre, PA 18711	Mill Creek, CWF, MF	Luzerne County Cons. Dist. 570-674-7991
Girardville Borough and Butler Township, Schuylkill County	PAG02005411011	Aqua Pennsylvania, Inc. Attn: Joshua P. Shoff, Roaring Creek Division 204 E. Sunbury St. Shamokin, PA 17872	Mahanoy Creek, WWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Bedford Township Bedford County	PAG02000511004	Doug & Mari-Pat Lingsch 1032 Grindstone Court Everett, PA 15537	UNT of Juniata River (WWF)	Bedford Co. Conservation District 702 West Pitt Street Bedford, PA 15522 814.623.7900
Swatara Twp. Lebanon County	PAG02003811012	Bryan H. Rueppel 127 Black Oak Road Lebanon, PA 17046	Swatara Creek/WWF	Lebanon Co. Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Penn Township York County	PAG2006711043	Frank Lecrone Aquaphoenix Scientific 9 Barnhart Drive Hanover, PA 7331	Gitts Run (WWF)	York Co. Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Muncy Creek Township Lycoming County	PAG02004111020	Roger Jarrett 5680 Route 405 Muncy PA 17756	UNT to West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
McIntyre Township Lycoming County	PAG02004111022	Colin Featherstone RMT Inc 744 Heartland Trail Madison WI 53717	Red Run CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Clinton Township Lycoming County	PAG02004111023	Wayne Martin Express Energy Services 776 Saegers Station Rd Montgomery PA 17752	UNT to West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Clinton Township Lycoming County	PAG02004111024	Walter Nyman Pa College of Technology One College Ave Williamsport PA 17701	Black Hole Creek TSF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Kelly Township Union County	PAG02006011012	Charles Zaleski 758 Moores School Rd Lewisburg PA 17837	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Beaver County Potter Township	PAG02000411006	Ronald A. Crisi Center Township Water Authority 224 Center Grange Road Aliquippa, PA 15001	Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Cambria County Cresson Township	PAG02001111013	Mount Aloysius College 7373 Admiral Peary Hwy Cresson, PA 16630	UNT Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Cambria County Richland Township	PAG02001111014	Matthew Smith Laurelco Leasing 933 Eisenhower Blvd. Johnstown, PA 15904	UNT Stonycreek River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Greene County Cumberland Township	PAG02003011005	Carmichaels DPPV, LLC—(Bob Gage) 201 Summit View Drive Suite 110 Brentwood, TN 37027	Glade Run (WWF)	Greene County CD 19 South Washington St. Waynesburg, PA 15370
Somerset County Brothersvalley Township	PAG02005611007	Tom McClintock 161 Samuels Road Somerset, PA 15501	Laurel Run (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501
Washington County Cross Creek & Independence Townships	PAG2006308013-1	Independence-Cross Creek Joint Sewer Authority 16 Campbell Street P. O. Box 156 Avella, PA 15312	Cross Creek-North Fork and Middle Fork (WWF)	Washington County CD 100 West Beau Street Suite 105 Washington, PA 15301

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County East Huntingdon Township	PAG02006511022	Howard Levine Steel City Vacuums 919 Penn Avenue Wilksburg, PA 15221	UNT to Wilson Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Jackson Township Butler County	PAG02 0010 11 013-1	The Buncher Company Penn Liberty Plaza 1 1300 Penn Avenue, Ste 300 Pittsburgh PA 15222	UNT Glade Run WWF	Butler Conservation District 724-284-5270
Young Township Jefferson County	PAG02 0033 11 002	Universal Well Services 13549 South Mosiertown Road Meadville PA 16335	Unt Mahoning Creek CWF	Jefferson Conservation District 814-849-7463
Borough of Grove City Mercer County	PAG02 0043 11 006	Kert Schumacher 1250 Slippery Rock Road Slippery Rock PA 16057	Unt Wolf Creek CWF	Mercer Conservation District 724-662-2242
Cornplanter Township Venango County	PAG02 0061 11 007	PA DOT Attn: Donald Hall 255 Elm Street, PO Box 398 Oil City PA 16301	Oil Creek WWF	Venango Conservation District 814-676-2832

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hatfield Township Montgomery County	PAR800084	First Student Inc. 3435 Trewigtown Road Colmar, PA 18915	West Branch Neshaminy Creek WWF-2F	Southeast Region Water Management 484.250.5970
Doylestown Township Montgomery County	PAR800161	First Student Inc. 4070 Skyron Drive Doylestown, PA 18901	UNT to Pine Run 2-F	Southeast Region Water Management 484.250.5970
Philadelphia City Philadelphia County	PAR600074	Freddie's Auto Parts, Inc. dba Cartel Auto Parts 6330 W. Passyunk Avenue Philadelphia, PA 19153	Schuylkill River—3F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR120003	Bottling Group LLC 11701 Roosevelt Boulevard Philadelphia, PA	Unnamed Tributary to Walton Run—3J	Southeast Region Water Management 484.250.5970
Lancaster County / West Donegal Township	PAR123554	Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570-0026	UNT Donegal Creek / CWF / 7-G	DEP—SCRO— Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Lower Swatara Township	PAR803571	Fedex Freight Inc - NHS Harrisburg Terminal 2200 Forward Drive, DC: 2219 Harrison, AZ 72601	Swatara Creek / WWF / 7-D	DEP—SCRO— Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Mount Joy Borough	PAR123567	Cargill Cocoa & Chocolate 200 Chocolate Avenue Mount Joy, PA 17552-2000	Little Chickies Creek / TSF / 7-G	DEP—SCRO— Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County / Union Township	PAR803695	Richland Partners, LLC 15 Mount Joy Street Mount Joy, PA 17552	UNT Schuylkill River / WWF / 3-D	DEP—SCRO—WQM 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Spring Township Centre County	PAR804879	Dominion Transmission, Inc. 670 Witherite Road Pleasant Gap, PA 16823	Unnamed Tributary to Gap Run—9-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Clinton Township Lycoming County	PAR314813	Halliburton Energy Service, Inc. P. O. Box 42810 MC 91-1NE16K Houston, TX 77242-2810	Unnamed Tributary to West Branch Susquehanna River 10-D.	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Oil Creek Crawford	PAR228323	Northwest Hardwoods 11117 Skyline Drive Titusville, PA 16354	Oil Creek 16-E	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County / East Hanover Township	PAG043568	Mildred Zimmerman 1014 Manada Bottom Road Harrisburg, PA 17112-8824	Manada Creek / 7-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Kimmel Township	PAG043525	Clair B. Glass 2944 Schellsburg Road Claysburg, PA 16625	UNT Beaverdam Creek / 11-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—Site Suitability Notice*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Permit Number</i>	<i>Contact Office &amp; Phone No.</i>
Conemaugh Township Indiana County	Synagro 264 Prisani Street PO Box 35 Bovard, PA 15619	Bolen Farm	744305	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Penn Township  
York County*Permit No.*  
PAG093552*Applicant Name &  
Address*Steve Smith  
Smiths Sanitary Septic  
Service LLC  
1234 Baltimore Street  
Hanover, PA 17331-4414*Site Name &  
Location*Smiths Sanitary  
Septic Service LLC  
1234 Baltimore Street  
Hanover, PA 17331-4414*Contact Office &  
Phone No.*DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Franklin Township  
Greene County*Permit No.*  
PAG106141*Applicant Name &  
Address*Caiman Penn  
Midstream, LLC  
5949 Sherry Lane  
Suite 1300  
Dallas, TX 75225-8008*Receiving  
Water/Use*UNT of S Fork Tenmile  
Creek & S Fork Tenmile  
Creek*Contact Office &  
Phone No.*Southwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Berks County /  
Heidelberg  
Township*Permit No.*  
PAG123711*Applicant Name &  
Address*Furnace Hill Farm  
CAFO  
232 Old Mill Road  
Newmanstown, PA 17073*Receiving  
Water/Use*UNT Mill Creek /  
CWF / 3-C*Contact Office &  
Phone No.*DEP—SCRO—  
Watershed Management  
2nd Floor,  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Franklin County /  
Guilford Township*Permit No.*  
PAG123712Shank's Hen House  
4640 Lighthouse Road  
Chambersburg, PA 17201UNT Conococheague  
Creek / WWF / 13-CDEP—SCRO—  
Watershed Management  
2nd Floor,  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Berks County /  
Wood Township*Permit No.*  
PAG123595Spring Pond Farm CAFO  
92 Deck Road  
Womelsdorf, PA 19567UNT Little Swatara  
Creek / CWF / 7DDEP—SCRO—  
Watershed Management  
2nd Floor,  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Franklin County /  
Metal Township*Permit No.*  
PAG123577Tuscarora Farms LLC  
PO Box 154  
Roxbury, PA 17251West Branch  
Conococheague Creek /  
CWF / 13-CDEP—SCRO—  
Watershed Management  
2nd Floor,  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Lebanon County /  
Swatara Township*Permit No.*  
PAG123620Werner Turkey Operation  
897 N. Lancaster Street  
Jonestown, PA 17038UNT Swatara Creek /  
WWF / 7-DDEP—SCRO—  
Watershed Management  
2nd Floor,  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802

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

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



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

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Esbenshade Farms 220 Eby Chiques Rd Mount Joy, Pa 17552	Lancaster	347.9	8733.24	Broilers	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0611506, Minor Amendment**, Public Water Supply.

Applicant	<b>Advanced H2O, LLC</b>
Municipality	Hamburg Borough
County	<b>Berks</b>
Responsible Official	Jeff Skirvin, Plant Manager 316 Front Street Hamburg, PA 19526
Type of Facility	Permitting of an existing bottled water facility.
Consulting Engineer	Brian T. Evans, P.E. Evans Engineering Inc. 2793 Old Post Road Harrisburg, PA 17110
Permit to Construct Issued:	9/9/2011
<b>Permit No. 0611514, Public Water Supply.</b>	
Applicant	<b>Seafood Holding Company</b>
Municipality	Fleetwood Borough
County	<b>Berks</b>
Responsible Official	Randy S Eddinger, Consultant/ PADEP operator 1697 Swamp Pike Gibbertsville, PA 19525
Type of Facility	Installation of nitrate treatment.
Consulting Engineer	George W Ruby, P.E. Ruby Engineering 3605 Island Club Drive North Port, FL 34288-6611
Permit to Construct Issued:	9/26/2011

**Operations Permit** issued to: **Silver Spring Water Association**, 7280061, Hamilton Township, **Franklin County** on 10/7/2011 for the operation of facilities approved under Construction Permit No. 2808511.

**Operations Permit** issued to: **Reading Area Water Authority**, 3060059, Ontelaunee Township, **Berks County** on 2/16/2010 for the operation of facilities approved under Construction Permit No. 0609515.

**Operations Permit** issued to: **Ickesburg Volunteer Fire Department**, 7500857, Saville Township, **Perry County** on 10/7/2011 for the operation of facilities approved under Construction Permit No. 5011506 MA.

**Operations Permit** issued to: **Crestwood Estates Mobile Home Park**, 7360052, Salisbury Township, **Lancaster County** on 9/26/2011 for the operation of facilities submitted under Application No. 3611536 MA.

**Operations Permit** issued to: **Village of Rivermoor**, 7360080, East Donegal Township, **Lancaster County** on 9/26/2011 for the operation of facilities submitted under Application No. 3611529 MA.

**Operations Permit** issued to: **Timber Villa, Inc.**, 7360051, West Donegal Township, **Lancaster County** on 9/26/2011 for the operation of facilities submitted under Application No. 3611530 MA.

**Operations Permit** issued to: **Lancaster Estates Condo Association**, 7360090, Rapho Township, **Lancaster County** on 9/28/2011 for the operation of facilities submitted under Application No. 3611532 MA.

**Operations Permit** issued to: **Keystone Properties**, 7360072, Penn Township, **Lancaster County** on 10/7/2011 for the operation of facilities submitted under Application No. 3611533 MA.

**Operations Permit** issued to: **Glenwood Mobile Home Park**, 7360048, Ephrata Township, **Lancaster County** on 10/7/2011 for the operation of facilities submitted under Application No. 3611539 MA.

**Operations Permit** issued to: **Conestoga Hills Community**, 7360015, Conestoga Township, **Lancaster County** on 10/7/2011 for the operation of facilities submitted under Application No. 3611531 MA.

**Operations Permit** issued to: **Green Acres Mobile Home Park**, 7360161, West Earl Township, **Lancaster County** on 10/7/2011 for the operation of facilities submitted under Application No. 3611541 MA.

**Source Water Protection Program Approval** issued to **Boyertown Water Authority**, 100 South Washington Street, Boyertown, PA 19512, PWSID 3060081, Borough of Boyertown, **Berks County** on October 7, 2011.

**Source Water Protection Program Approval** issued to **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608, PWSID 3060066, Lower Heidelberg Township, **Berks County** on October 7, 2011.

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

**Permit No. Minor Amendment**—Construction and Operation Public Water Supply.

Applicant	<b>Appalachian Utilities, Inc.</b>
[Township or Borough]	Pine Creek Township
County	<b>Clinton</b>
Responsible Official	Frank Sargent, President Appalachian Utilities, Inc. P. O. Box 118 Woolrich, PA 17779
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	October 5, 2011

Description of Action	Addition of a bulk water filling/metering station in Pine Creek Township on Fritz Lane.
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**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, Pennsylvania 17105-8775*

**The Act 167 Countywide Stormwater Management Plan for Forest County**, submitted by Forest County, was approved on October 4, 2011. This plan applies to all watersheds and all areas within Forest County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Borough & Hempfield Twp.	Penn Borough Mr. Randy Dreistdat 9th & Magee Avenue Jeannette, PA 15644	Westmoreland
	Hempfield Township Supervisors Mr. Kurt M. Ferguson, Manager Suite A, 1132 Woodward Drive Greensburg, PA 15601	

*Plan Description:* The project is located in the Brush Creek Watershed, the Sewage Treatment Plant Expansion will occur in Penn Borough and the expansion of the new service area will take place in Hempfield Township, Westmoreland County.

The Act 537 Plan proposes expansion and upgrade of the Sewage Treatment Plant (STP) including the construction of a new head-works building, two Sequential Batch Reactor Tanks, a new blower building and a ultra-violet disinfection system. The new plant treatment components will be installed in parallel with the existing treatment facilities. This expansion/upgrade will enable the STP to treat 10.25 million gallons per day peak sewage flows. The Plan also allows for the extension of the Hempfield Township Municipal Authority's sewers to provide sewer service to the Lincoln Heights area in Hempfield Township.

The sewer line extension will serve the structures located on Ambler and Landis Streets in the Lincoln Heights plan. This project will contribute 56 Equivalent Dwelling Units or 13,608 gpd of additional flow to the City of Jeannette Mun. Auth. STP.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts results from this proposal.

Any required WQM Permits must be obtained in the name of the City of Jeannette Municipal Authority as appropriate.

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

*Plan Location:* on the east side of Erford Road, 200 feet north of Grandview Avenue, East Pennsboro Township, Cumberland County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Pennsboro Township	98 S Enola Dr Enola PA 17025	Cumberland County

*Plan Description:* The approved plan revision for The Overlook Subdivision consists of 288 apartment units and a clubhouse with total flows of 72,250 gallons per day using East Pennsboro Township sewage collection, conveyance and treatment. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Chambersburg Borough	100 South 2nd Street, Chambersburg, PA 17201	Franklin

*Plan Description:* The approved plan provides for an upgrade and expansion of the existing 6.8 MGD sewage treatment plant to 11.28 MGD average daily flow in order to meet the nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy and the twenty year flow projections. The Plan includes many equipment and process upgrades including a sequencing batch reactor to treat filtrate from the belt filter presses to reduce the recycle nutrient loads to the head of the plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:* Morgan Hills

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Weisenberg Township	2175 Seipstown Road Fogelsville, PA 18051-2022	Lehigh

*Plan Description:* The approved plan provides for a 41 lot residential subdivision of a 27.95 acre tract. Two of the lots are designated as open space for stormwater detention basins. The remaining 39 lots will contain single family homes.

A new Pump Station, 2" PVC Force Main, and 8" PVC Gravity Sewer Line will be constructed to serve the development. The force main will connect to the Gravity Sewer Line at the intersection of Wertman Road and Packhouse Road. The new Gravity Sewer line will connect to the Lehigh County Authority Conveyance Line at MH GB-3. The Pump Station, Force Main, Gravity Sewer Line, and Collection System within the development will be owned by Lehigh County Authority. The proposed 8697 gpd of sewage flows will be conveyed through the Lehigh County Authority's Western Lehigh Interceptor via the

Upper Macungie Township Authority's Applewood Pump Station to the City of Allentown's Wastewater Treatment Plant. Lehigh County Authority will provide public water to the project.

The proposed development is located at the intersection of Wertman & Packhouse Roads, Weisenberg Township, Lehigh County.

Any required NPDES Permits or WQM Permits must be obtained in the name of Lehigh County Authority.

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

### **Notice of Proposed Interim Response Mill Creek TCE HSCA Site Wrightstown and Buckingham Townships, Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the Mill Creek TCE HSCA Site (Site) in Wrightstown and Buckingham Townships, Bucks County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation included the sampling of private drinking water supply wells located along portions of Mill Creek Road, Forest Grove Road, Township Line Road, Park Avenue, and Washington Avenue. Sampling revealed levels of Trichloroethene (TCE), and/or 1,1-Dichloroethene (1,1-DCE) exceeding Safe Drinking Water Maximum Contaminant Levels.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the maintenance of previously installed whole-house carbon filtration systems. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, supplying bottled water to affected residences, or the installation of a public water supply.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Carly Nagle at (484) 250-5730 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on November 29, 2011 at 7 p.m. at the Wrightstown Township Building. Anyone who would like to present formal oral comments regarding this proposed response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service

or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. Members of the public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business January 20, 2012. Written comments should be addressed to Carly Nagle, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Carly Nagle at (484) 250-5730.

**Notice of Proposed Settlement under  
HSCA/CERCLA**

**YMCA of Philadelphia and Vicinity and the  
Township of Haverford Haverford Township,  
Delaware County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. Section 6020.101 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601 et seq., has entered into a proposed De Minimis Settlement Agreement with the YMCA of Philadelphia & Vicinity and the Township of Haverford related to the Havertown PCP Superfund Site in Haverford Township, Delaware County, Pennsylvania.

The Havertown PCP National Priority List ("NPL") Site originated from the unlawful handling and disposal of PCP-laden fuel oil (pentachlorophenyl) from the National Wood Preservers property located along Eagle Road in Haverford Township. Pursuant to their authority under CERCLA, the USEPA and the Department have conducted extensive environmental investigations and implemented various response actions to address the releases of hazardous substances at the Site. The former Philadelphia Chewing Gum Company operated a factory on property of approximately 6.4 acres directly across Eagle Road from the National Wood Preservers property, and groundwater contaminated with PCP and other hazardous substances has migrated from the National Wood Preservers property, beneath the Philadelphia Chewing Gum property, and discharged into Naylor's Run. The USEPA and the Department have constructed a groundwater extraction and treatment facility at the Site among other response actions to address this contamination.

The Township of Haverford acquired the Philadelphia Chewing Gum property through its exercise of Eminent Domain authority and has entered into a lease with the YMCA of Philadelphia & Vicinity, which intends to construct and operate a YMCA facility thereon. The Department has determined that neither the Township of Haverford nor the YMCA of Philadelphia and Vicinity has caused or contributed to any of the releases of hazardous substances that make up the Havertown PCP NPL Site.

Under the terms and conditions of the Settlement Agreement, the Township of Haverford and the YMCA of Philadelphia & Vicinity will make a contribution to the Department's response costs incurred at the Site and will agree to provide access to the Department and the USEPA and avoid interference with the continued implementation of response actions at the Havertown PCP NPL Site.

This notice is provided pursuant to Section 1113 of HSCA, 35 P. S. § 6020.1113. The Settlement Agreement may be examined from 8 AM to 4 PM at the Department's offices at 2 East Main Street, Norristown, PA by contacting Mr. Ragesh Patel at 484-250-5719 or Mr. Anderson Lee Hartzell at 484-250-5866. A public comment period on the Settlement Agreement will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding the Settlement Agreement to the Department by submitting them to Mr. Patel at the above address.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Scottfield Stables**, 120 Scottfield Street, Forest Lake Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 has submitted a Final Report (on

behalf of her clients, Graydon and Lucille Frazier, 12429 Forest Lake Road, Montrose, PA 18801), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 4,000-gallon underground storage tank, which was discovered during the tank's removal process. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in the *Susquehanna County Transcript* on August 31, 2011.

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

**Edward Weiler Residence**, 115 North Lime Street, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Trimpi and Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Edward Weiler, 603 Rockland Street, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the residential Statewide Health Standard.

**Former Schmidt & Ault/Regis Paper Company**, 427 Kings Mill Road, York, PA 17403, York City and Spring Garden Township, **York County**. Herbert, Rowland, & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyler Run, LLC, 11915 Park Heights Avenue, Owings Mills, MD 21117, submitted a Final Report concerning remediation of groundwater contaminated with benzene, chlorinated solvents and PCBs. The applicant is seeking to remediate the site to a combination of Statewide Health and Site-Specific standards. Soils will be addressed in a separate report.

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

**Sowinski Property**, City of Pittsburgh, **Allegheny County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 on behalf of Yvonne Sowinski, 1800 Whited Street, Clover Trailer Park, Lot # 50, Pittsburgh PA 15210 has submitted a Final Report. The site is seeking to attain a residential statewide health standard. The Final Report was noticed in the *Pittsburgh Tribune Review* on September 26, 2011.

**Former Invensys Appliance Controls Facility, Former Robertshaw Controls, Solvent Impacted Act 2 Site**, New Stanton Borough, **Westmoreland County**. Shaw Environmental Inc., 2970 Mossie Boulevard, Monroeville, PA 15146 on behalf of the Invensys Inc., 33 Commercial Street, Foxboro, Massachusetts, 02035 has submitted a Remedial Investigation Report for the Solvent Impacted Act 2 Site concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was noticed in the *Pittsburgh Tribune Review* on September 12, 2011.

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

**G & B Specialties, Inc. Property**, Borough of Berwick, **Columbia County**. Services, Inc., 1350 Washington Blvd., Williamsport, PA 17701 on behalf of Anadarko Petroleum Corporation, 1201 Lake Robbins Dr., The Woodlands, TX 77380 has submitted a Final Report within 90 days of release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Besecker Excavating and Paving, Inc.**, 2701 Hamilton E. Street, Hamilton Township, **Monroe County**. David Everitt and Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final

Report (on behalf of their client, William Besecker, 1211 Bush Road, Cresco, PA 18326), concerning the remediation of soil found to have been impacted by No 2 fuel oil as a result of a release from a 1,000-gallon underground storage tank, which had a broken return line. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on September 14, 2011.

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

**Former Knight Celotex Site, City of Sunbury Northumberland County.** Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520 on behalf of JDM Acquisitions, LLC, P. O. Box 295, Watsontown, PA 17777 has submitted a combined Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with VOC and arsenic. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 19, 2011.

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

**Standard Steel, LLC—Machine Shop #1,** 500 North Walnut Street, Derry Township and Burnham Borough, **Mifflin County.** Mountain Research, LLC, 825 25th Street, Altoona PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Altoona, PA 16601, submitted a Remedial Investigation Report and Final Report concerning remediation of site groundwater contaminated with machining oil. The reports demonstrated attainment of the Site-Specific standard, and were approved by the Department on October 4, 2011. Soil contamination was addressed in a separate report.

**Agouridis MHP,** Lot #4, 454 West Main Street, Lot No. 4, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County.** AES, Incorporated, on behalf of Nick Agouridis, 1605 Aldred Circle, Lancaster, PA 17601, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on October 4, 2011.

**Lasater Residence,** 35 Fawn Drive, Shillington, PA 19607, Cumru Township, **Berks County.** Barry Isett and Associates Incorporated, PO Box 147, Trexlertown, PA 18087, on behalf of William and Susan Lasater, 35 Fawn Drive, Shillington, PA 19607, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on October 4, 2011.

#### MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGM008D001. Hatfield Quality Meats,** 2700 Clemens Road, Hatfield, PA 19440-0902.

The Department of Environmental Protection, Bureau of Waste Management has renewed the statewide municipal waste General Permit Numbered WMGM008D001. The WMGM008D001 is for the beneficial use of restaurant oil and animal fat generated at Hatfield Quality Meats' facility located in Hatfield Township, **Montgomery County**, as an alternative fuel. The general permit was issued by Central Office on October 04, 2011.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Mr. Scott Walters, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

**Registration(s) Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGM041NC001. Milton Regional Sewer Authority,** 5585 S.R. 405, P. O. Box 433, Milton, PA 17847. Registration to operate under General Permit No. WMGM041 for sale and reuse of treated effluent for use for the development of natural gas wells. The registration was approved by NorthCentral Regional Office on September 26, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Withdrawn Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 101703. Aramingo Rail Transfer, L.P.,** 2580 Church Street, Philadelphia Pennsylvania 19148-5605, City of Philadelphia, **Philadelphia County.** The subject application was originally submitted in June 2010 and was for the construction and operation of a new truck-to-rail transfer station for municipal and construction/demolition waste to be located in the vicinity of Aramingo Avenue & Church Street in the City of Philadelphia. The application has now been withdrawn by the applicant. The Department review was terminated on September 30, 2011.

## AIR QUALITY

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

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

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

**58-310-045GP3: F.S. Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732) on September 20, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Harford Township, **Susquehanna County**.

**58-310-046GP3: F.S. Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732) on September 20, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Harford Township, **Susquehanna County**.

**58-329-045GP9: F.S. Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732) on September 20, 2011, to install and operate a Diesel I/C Engine(s) at their site in Harford Township, **Susquehanna County**.

**58-329-046GP9: F.S. Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732) on September 20, 2011, to install and operate a Diesel I/C Engine(s) at their site in Harford Township, **Susquehanna County**.

**64-301-008GP14: James Wilson Funeral Home** (PO Box 7, Lake Ariel, PA 18436-0007) on September 20, 2011, to operate a human remains crematory at their site in Lake Township, **Wayne 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: 717-705-4863*

**GP1-01-03012A: Temple-Inland** (136 East York Street, PO Box 808, Biglerville, PA 17307-9425) on October 3, 2011, for a Small Gas & #2 Oil Fired Combustion Unit under GP1 in Biglerville Borough, **Adams County**.

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

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

**GP5-08-352: Angelina Gathering Co., LLC** (2350 North Sam Houston Parkway E, Suite 125, Houston, TX 77032) on September 26, 2011, to construct and operate twelve (12) Caterpillar model G3516B lean-burn natural gas-fired compressor engines each rated at 1,380 brake horsepower to be equipped with Miratech model IQ-26-12-EH1 oxidation catalyst, two (2) 60 MMscf/day NATCO dehydrators and one (1) 208 brake horsepower, Generac model QT130A, natural gas-fired emergency generator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Cole Compressor Station in Herrick Township, **Bradford County**.

**GP9-17-508A: EOG Resources, Inc.** (Southpointe Plaza 1, 400 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on September 29, 2011, to construct and operate two Magnum model MMG405 genera-

tors each powered by a John Deere model RG6135HF485 diesel-fired engine each rated 489 bhp each equipped with a Nett Technologies Inc. Nett BlueMAX 300 selective catalytic reduction unit pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at the Clearfield County Tank Farm in Lawrence Township, **Clearfield County**.

**GP3-59-221: Tioga Sand & Rock LLC** (232 Bradshaw Road, Tioga, PA 16946) on September 9, 2011, to construct and operate a portable non-metallic mineral screening plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Bradshaw Pit facility in Lawrence Township, **Tioga County**.

**GP9-59-221: Tioga Sand & Rock LLC** (232 Bradshaw Road, Tioga, PA 16946) on September 9, 2011, to construct and operate one Cummins model 6BT5.0 diesel-fired engine with a rating of 126 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Bradshaw Pit in Lawrence Township, **Tioga County**.

**GP3-14-329: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 22, 2011, to construct and operate a portable non-metallic mineral crushing plant and associated portable conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Recycling facility in Patton Township, **Center County**.

**GP11-14-329: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 22, 2011, to construct and operate one Cummins model QSM11-C diesel-fired engine with a rating of 400 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Recycling facility in Patton Township, **Center County**.

**GP3-53-111C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 12, 2011, to construct and operate a portable non-metallic mineral mobile screen and associated portable conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Roulette facility in Roulette Township, **Potter County**.

**GP3-17-494C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 9, 2011, to construct and operate a portable non-metallic mineral mobile scalping and conveying plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Pottersdale facility in Karthaus Township, **Clearfield County**.

**GP3-08-341A: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 21, 2011, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Min-

eral Processing Plants (BAQ-PGPA/GP-3) at the Avery Well Impoundment in Charleston Township, **Tioga County**.

**GP11-08-341A: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on June 21, 2011, to construct and operate three (3) diesel-fired engines (a Caterpillar model C-12 BDL03201 425 horsepower (hp) engine to power the Trakpactor crusher, a Deutz model BFM2012 109 hp engine to power the Powerscreen 2100 and a Cummins 85 hp engine to power the Powerscreen M85 stacking conveyor) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at the Avery Well Impoundment in Charleston Township, **Tioga County**.

**GP11-08-341B: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on July 8, 2011, to construct and operate three (3) diesel-fired engines (a Caterpillar model C-12 BDL03201 425 horsepower (hp) engine to power the Trakpactor crusher, a Deutz model BFM2012 109 hp engine to power the Powerscreen 2100 and a Cummins 85 hp engine to power the Powerscreen M85 stacking conveyor) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at the Swingle Well Impoundment in Canton Township, **Bradford County**.

**GP3-08-341B: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on July 8, 2011, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Swingle Well Impoundment located in Canton Township, **Bradford County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**15-0115F: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on October 7, 2011, to modify formaldehyde emissions from a replacement 2-MW generator at an existing facility and for updating engine information in West Goshen Township, **Chester County**. The engine for this generator is a 2009 model. Formaldehyde emissions will increase from a limit of 725 ppmdv, corrected to 15% O<sub>2</sub>, to 1,106 ppmdv, corrected to 15% O<sub>2</sub>. The new limit is equivalent to 0.01 TPY of formaldehyde emissions. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**59-00006B: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2843) on September 28, 2011, to issue a plan approval to construct and operate a natural gas-fired salt bath heater; an increase in hours of operation for an existing heater and dehydra-

tion engine at their Boom Compressor Station in Lawrence Township, **Tioga County**. In addition, Dominion Transmission, Inc. is proposing to decrease the operational hour limitation of Engine No. 9 to offset the increase in air contaminant emissions due to the proposed construction and operation of the salt bath heater.

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

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

**AMS 11170: RR Donnelly Baum** (9985 Gantry Road, Philadelphia, PA 19115) on October 5, 2011, to install one (1) non-heatset, sheet-feed lithographic printing presses in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 2.8 tons for Volatile Organic Compounds and a potential annual emission increase of 0.64 tons for Hazardous Air Pollutants. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

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

**46-0262B: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on October 4, 2011, to operate a (2) two extruders in Hatfield Township, **Montgomery County**.

**46-01980: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on October 6, 2011, to operate a dust collector in East Greenville Borough, **Montgomery County**.

**15-0061A: Phoenixville Hospital Company, LLC.** (140 Nutt Road, Phoenixville, PA 19460) on October 6, 2011, to operate an emergency generator in Phoenixville Borough, **Chester County**.

**09-0022C: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) On October 6, 2011, to operate booth filters in Quakertown Borough, **Bucks County**.

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

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

**53-00009D: Morgan Advance Materials & Technology, Inc.** (1118 East Second Street, Coudersport, PA 16915) on September 8, 2011, to extend the authorization to temporarily operate an electric powered de-bind oven (Source ID 122) equipped with a natural gas fired thermal oxidizer (control device ID C122) to control the air contaminant emissions from the oven at their Coudersport plant in Eulalia Township, **Potter County** until April 22, 2012. The plan approval has been extended.



**08-313-004J: Global Tungsten & Powders, Corp.** (Hawes Street, North Towanda, PA 18848) on September 27, 2011, to extend the authorization to temporarily operate two new process tanks and associated scrubber at their facility located in North Towanda Township, **Bradford County** until April 7, 2012. The plan approval has been extended.

**41-00033A: Susquehanna Health System** (777 Rural Avenue, Williamsport, PA 17740) on September 22, 2011, to the construct and operate of a natural gas-fired reciprocating internal combustion engine equipped with low NOx electronic control system to control nitrogen oxide (NOx) emissions from the engine rated at 2,671 brake-horsepower (Source ID P104) and the installation of an oxidation catalyst (ID C104) to control the carbon monoxide, volatile organic compound and formaldehyde emissions from the engine in Williamsport, **Lycoming County**. The plan approval has been extended.

**08-00010D: Global Tungsten & Powders, Corp.** (Hawes Street, North Towanda, PA 18848) on September 28, 2011, to extend the authorization to temporarily operate two new plasma spray systems used to coat fuel cell interconnectors (Source ID P229) and a grit blaster used to prepare the interconnector surfaces prior to coating (Source ID P230) at their facility located in North Towanda Township, **Bradford County** until May 9, 2012. The plan approval has been extended.

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

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

**32-00055F: EME Homer City Generation, LP** (1750 Power Plant Road, Homer City, PA 15748) on October 3, 2011, to extend the period of temporary operation of the 313 MMBtu/hr distillate oil-fired auxiliary boiler authorized under plan approval PA-32-00055F, until April 4, 2012, at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**. The plan approval has been extended.

**26-00588: Laurel Mountain Midstream, LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) on October 3, 2011, as a result of equipment startup, to establish the 180-day period of temporary operation of three new ultra lean burn natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts authorized under plan approval PA-26-00588, until November 16, 2011, at Shamrock Compressor Station located in German Township, **Fayette County**.

**65-00966A: Greensburg Thermal, LLC** (755 Opossum Lake Road, Carlisle, PA, 17015) on September 28, 2011, for minor plan approval modification to revise the fuel limitations and associated conditions to include coal/biomass fuel blend at the SCI Greensburg steam plant in Hempfield Township, **Westmoreland County**. The Plan Approval Expires on January 6, 2012.

**30-00072E: Consol Pennsylvania Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on October 10, 2011 for a plan approval extension with an expiration date of April 10, 2012, for continued temporary operation of sources associated with the Crabapple Overland Conveyor, located in Richhill Township, **Greene County**.

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

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

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

**23-00011: Sunoco Partners Marketing & Terminal, L.P.—Darby Creek Tank Farm** (Hook & Calcon Hook Roads, Sharon Hill, PA 19079) on October 6, 2011, for a renewal of the Title V Operating Permit (“TVOP”) No. 23-00011 in Darby Township, **Delaware County**. The facility’s air emissions sources consist of 26 crude oil (external floating roof) storage tanks, a waste oil (fixed roof) storage tank, and a wastewater separator. These sources are subject to volatile organic compound (“VOC”) emission restrictions, as follows: 95 tons/yr for the 26 crude oil storage tanks, 2 tons/yr for the waste oil storage tank, and 10 tons/yr for the wastewater separator. No changes have occurred at the facility since the TVOP was last renewed (in 2005). The facility is not subject to the Compliance Assurance Monitoring (“CAM”) requirements of 40 C.F.R. Part 64. The Title V Operating Permit will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirement.

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

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

**24-00167: E Carbon America, LLC—St. Marys Plant** (806 Theresia Street, St. Marys, PA 15857) on October 4, 2011, for a Title V Operating Permit to this carbon and graphite manufacturing facility in the City of St. Marys, **Elk County**. This facility is classified as a major source due to its’ potential to emit VOC emissions.

**25-00025: GE Transportation Systems** (2901 East Lake Road, Erie, PA 16531) on September 29, 2011, issued a Title V Permit for their locomotive manufacturing facility in Lawrence Park Township, **Erie County**. The facility’s major emission sources include four natural gas-fired boilers (3 at 98.6 million Btu/hr each and 1 at 133 million Btu/hr), paint booths, varnish application systems, vacuum pressure impregnation systems, diesel engine test cells, machining and grinding operations, emergency diesel-fired generators and emergency natural gas-fired generators, and gasoline and diesel storage tanks. The facility is a major facility due to its potential to emit Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOCs) and Carbon Monoxide (CO).

**42-00004: American Refining Group, Inc.**, (77 North Kendall Avenue, Bradford, PA 16701) on October 5, 2011, to re-issue the Title V Operating Permit to operate a petroleum products processing facility, in the City of Bradford, **McKean County**.

**43-00310: NLMK Pennsylvania Corp.** (15 Roemer Boulevard, Farrell, PA 16121) on October 7, 2011, to issue an administrative amendment to the Title V Operating Permit to incorporate the name change and change in responsible for their facility City of Farrell, **Mercer 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.**

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

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

**39-00074: SHI APD Cryogenics, Inc.** (1833 Vultee Street, Allentown, PA 18103) on October 7, 2011, for a State-only (Synthetic Minor) Operating Permit in Allentown City, **Lehigh County**. The issued State-only (Synthetic Minor) Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**67-03052: BIMAX, Inc.** (158 Industrial Road, Glen Rock, PA 17327-8626) on September 21, 2011, for their specialty chemicals manufacturing facility in Springfield Township, **York County**. The State-only permit was renewed.

**36-03098: Powell Steel Corp.** (625 Baumgardner Road, Lancaster, PA 17603-9649) on September 30, 2011, for their steel fabricating facility in Pequea Township, **Lancaster County**. The State-only permit was renewed.

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

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

**59-00016: Pine Hill, Inc.** (PO Box 62, Blossburg, PA 16912-0062) on October 4, 2011, issued a state only operating permit for their facility in Ward Township, **Tioga County**. The facility's sources include a residual waste landfill. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00065: Fisher Mining, Co.** (40 Choate Circle, Montoursville, PA 17754-9791) on October 4, 2011, issued a state only operating permit for their facility in Pine Township, **Lycoming County**. The facility's sources include a coal preparation operation. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**25-00911: Humane Society of Northwestern Pennsylvania** (2407 Zimmerly Road, Erie, PA 16506-4905) on October 5, 2011, to renew the Natural Minor Operating Permit to operate a pet shelter and crematory in Millcreek Township, **Erie County**. The emitting sources included 1) Incinerator and, 2) Secondary chamber. The

emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor.

**43-00034: Dunbar Asphalt Products, Inc.—Wheatland Plant** (300, Ohio Street, Wheatland, PA 16161), on October 7, 2011, to renew the Synthetic Minor Permit to operate an asphalt paving mixtures and blocks manufacturing facility in Wheatland Borough, **Mercer County**. The facility's emitting sources include, Rotary dryer Barber Greene plant 2 BMA plant, Miscellaneous asphalt handling plant 2, Asphalt cement storage & heating plant 2, Raw material handling equipment plant 2, Rotary dryer, McCarter plant 4 BMA plant, Miscellaneous asphalt handling plant 4, Asphalt cement storage & heating plant 4, Stockpile & cold aggregate bins plant 4, Raw material handling equipment plant 4, RAP storage hopper and Horizontal rotary mixing drum. The facility has taken a production restriction of 495,000 tons product per year based on 12-month rolling total to stay below the emission threshold of Title V (less than 100 TPY of Carbon Monoxide). Thus, the facility becomes Synthetic Minor.

**61-00185: Heath Oil, Inc.** (5609, State Road, Route 8, RD #1, Harrisville, PA 16038) on October 5, 2011, for a renewal of the Natural Minor Operating Permit to operate a petroleum product storage and distribution facility in Barkeyville Borough, **Venango County**. The emitting sources included 1) Large and small oil heaters, 2) Internal floating roof tanks, 3) Fugitives from equipment leaks, 4) Two distillation columns, 5) Petroleum recovery system and 6) Tank wagon loading rack. The emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor. The facility is subject to 40 CFR Part 63, Subpart CCCCCC pertaining to the National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**23-00045: Sunoco Partners Market & Terminal, LP—Sunoco** (525 Fritztown Road, Sinking Spring, PA 19608) on October 7, 2011, a major bulk gasoline terminal facility located at 4041 Market Street, Aston, PA 19014, Upper Chichester Township, **Delaware County**. This Title V Operating Permit was administratively amended in accordance with 25 Pa. Code Section 127.450, to incorporate conditions of a plan approval number 23-0045A issued for the increase in gasoline loading throughput to 826,000,000 gallons per year (12-month rolling sum) and the installation of a vapor recovery unit on the gasoline loading rack as a primary control unit. The source uses the existing vapor combustion unit as a backup control device with a maximum annual gasoline throughput of 207,000,000 gallons. The source is subject to the MACT regulations of 40 CFR Part 63 Subpart BBBBBB. The installation of vapor recovery unit resulted in no increase in previously permitted emissions.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**56100107 and NPDES No. PA0263117. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 193.6 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 23, 2010. Permit issued: September 29, 2011.

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

**65-07-03 and PAG-02 256511001. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Government Financed Construction Contract issued for reclamation of abandon mine lands, and general NPDES permit for stormwater discharges, located in Ligonier Township, **Westmoreland County**, affecting 19.1 acres. Receiving streams: unnamed tributaries to Hannas Run and unnamed tributary to Mill Creek. Application received: February 18, 2010. Permit issued: October 4, 2011.

**03060103 and NPDES Permit No. PA0250911. Black Rock Coal Co., Inc.** (1107 University Drive, Dunbar, PA 15431). Transfer permit from State Industries, Inc. issued for continued operation and reclamation of a bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributary "C" to Crooked Creek and Crooked Creek. Application received: January 5, 2010. Permit issued: October 7, 2011.

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

**33980110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Perry Township, **Jefferson County** affecting 137.0 acres. Receiving streams: Unnamed tributary to Mahoning Creek. This renewal is issued for reclamation only. Application received: August 15, 2011. Permit Issued: October 5, 2011.

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

**14080101 and NPDES No. PA0256773. Warren C. Hartman Contracting** (5315 Bigler Road, Clearfield, PA 16830). Revision to an existing bituminous surface mine located in Burnside and Snow Shoe Townships, **Centre County** to add biosolids for reclamation activities affecting 325.0 acres. Receiving streams: unnamed tributary to Little Sandy Run and an unnamed tributary to Contrary Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 13, 2011. Permit issued: September 29, 2011.

**17080118 and NPDES No. PA0257028. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 53.0 acres. Receiving streams: unnamed tributary to the West Branch of the Susquehanna River and West Branch of the Susquehanna River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: December 23, 2008. Permit issued: September 29, 2011.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### Blasting Permits Actions

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

**02114004. Geokinetics USA Inc.** (1500 City West Boulevard, Houston, TX 77042). Permit issued for seismic exploration located in Frazer, West Deer, Indiana, Harmar, Springdale, East Deer, Fawn, Buffalo and Clinton Townships, **Allegheny and Butler Counties**, with an expected duration of one year. Permit issued: September 30, 2011

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

**10114004. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Blasting Activity Permit to blast on GFCC No. 10-06-02 in Allegheny Township, **Butler County**. This blasting activity permit expires on May 1, 2012. Permit Issued: October 6, 2011.

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

**08114133. Meshoppen Blasting, Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well site located in Tuscarora Township, **Bradford County**. Permit issued: September 29, 2011. Permit expires: December 31, 2011.

**12114002. Tidelands Geophysical Co., Inc.** (101 East Park Blvd., Suite 955, Plano, TX 75074). Seismic exploration blasting located in Shippen Township, **Cameron County**. Permit issued: September 27, 2011. Permit expires: May 31, 2012.

**41114110. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Blasting for a pipeline located in Loyalsock, Hepburn and Gamble Townships, **Lycoming County**. Permit issued: September 29, 2011. Permit expires: August 30, 2012.

**41114111. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241). Blasting for a pipeline located in Mifflin and Cogan House Townships, **Lycoming County**. Permit issued: September 29, 2011. Permit expires: October 1, 2012.

**59114005. Tideland Geophysical Co., Inc.** (101 East Park Blvd., Suite 955, Plano, TX 75074). Seismic exploration blasting located in Bloss, Hamilton and Covington Townships, **Tioga County**. Permit issued: August 9, 2011. Permit expires: March 31, 2012.

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

**67114001. Contract Drilling & Blasting**, (470 Broadway 314, Bayonne, NJ 07002), demolition blasting for the Harley Davidson Smoke Stack in Springettsbury Township, **York County** with a demolition date of October 7, 2011. Permit issued: October 5, 2011.

**58114033. Doug Wathen LLC**, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the C. Frystak Gas Pad in Bridgewater Township, **Susquehanna County** with an expiration date of September 28, 2012. Permit issued: October 5, 2011.

**58114034. Doug Wathen LLC**, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the Burts Gas Pad in Forest Lake Township, **Susquehanna County** with an expiration date of September 28, 2012. Permit issued: October 5, 2011.

**35114104. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting at the Alliance Sanitary Landfill in Taylor and Old Forge Boroughs, City of Scranton, Ransom and Roaring Brook Townships, **Lackawanna County**, Duryea Borough and Bear Creek Township, Luzerne County and Lehigh Township, Wayne County with an expiration date of October 1, 2012. Permit issued: October 5, 2011.

**36114160. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Weiler house in East Earl Township, **Lancaster County** with an expiration date of September 20, 2012. Permit issued: October 5, 2011.

**36114161. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Bank Barn Lane in West Lampeter Township, **Lancaster County** with an expiration date of September 23, 2012. Permit issued: October 5, 2011.

**36114162. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for a single dwelling in Penn Township, **Lancaster County** with an expiration date of October 30, 2011. Permit issued: October 5, 2011.

**36114163. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Laurel Pond Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2012. Permit issued: October 5, 2011.

**38114118. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Keystone Drive Solar Farm in South Lebanon Township, **Lebanon County** with an expiration date of April 1, 2012. Permit issued: October 5, 2011.

**40114112. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Goodleigh Manor in Dallas Township, **Luzerne County** with an expiration date of October 3, 2012. Permit issued: October 5, 2011.

**66114119. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Alderdice Well Site and Road in Meshoppen Township, **Wyoming County** with an expiration date of February 28, 2012. Permit issued: October 5, 2011.

**36114164. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Oregon Dairy's animal waste lagoon in Manheim Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: October 6, 2011.

**52114112. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Blue Heron Woods in Blooming Grove and Lackawaxen Townships, **Pike County** with an expiration date of October 3, 2012. Permit issued: October 6, 2011.

**09114108. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Carriage Hill off-site trench in Doylestown and Plumstead Townships, **Bucks County** with an expiration date of October 1, 2012. Permit issued: October 7, 2011.

**46114108. Allan A. Myers, Inc. d/b/a Independence Construction Materials**, (P. O. Box 98, Worcester, PA 19490), construction blasting for Stoney Creek Farms in Worcester Township, **Montgomery County** with an expiration date of September 28, 2012. Permit issued: October 7, 2011.

**46114109. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Stony Creek in Worcester Township, **Montgomery County** with an expiration date of October 4, 2012. Permit issued: October 7, 2011.

**48114117. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Griffin Land in Bethlehem and Lower Nazareth Townships, **Northampton County** with an expiration date of September 29, 2012. Permit issued: October 7, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed

with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E02-1649. Blank River Services, Inc.**, 1 Church Street, Elizabeth, PA 15037. The applicant proposes to construct a bridge having a span of 26.0 feet with an underclearance of 8.5 feet across the channel of Big Sewickley Creek (TSF) for the purpose of providing access to a three (3) lot residential subdivision. The project is located on the west side of Warrendale Bayne Road, approximately 1,300.0 feet north from the intersection of Warrendale Bayne Road and Cliff Road (Baden, PA Quadrangle N: 2.2 inches; W: 1.9 inches; Latitude: 40°-38'-14"; Longitude: 80°-08'-19") in Marshall Township, **Allegheny County** and will impact approximately 26.0 linear feet of stream channel.

**E56-359. Pennsylvania Department of Transportation, District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. The applicant proposes to remove the existing 28' wide, 159' long, two span, SR 4021 bridge with a 90 degree skew and to construct and maintain a new 29.5' wide, 153.1' long, three span bridge with minimum 10' underclearance over Stony Creek (TSF); to construct and maintain associated outfalls; and construct temporary causeways. The new bridge is located 22' upstream of the existing bridge with a pier skew change to 80 degrees to better align with stream flow. (Hooversville, PA Quadrangle: N: 4.5 inches; W: 5.25 inches; Latitude: 40° 9' 00"; Longitude: 78° 54' 47") in Hooversville Borough, **Somerset County**.

**ENVIRONMENTAL ASSESSMENTS**

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA4309-003. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office**, 286 Industrial Park Rd.,

Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Springfield Township, **Mercer County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 350 linear feet of dangerous highwall. The project will also include the backfilling of 0.64 acres of open water that has developed at the base of the highwall. (Mercer Quadrangle N: 4.5 inches, W: 2 inches).

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D42-038—D42-078. Mr. David Okerlund, The Lodge at Glendorn**, 1000 Glendorn Drive, Bradford, PA 16701. Bradford Township, **McKean County**, ACOE Pittsburgh District.

Project proposes to breach and remove 41 dams in a 2 mile section of Fuller Brook and a tributary to Fuller Brook (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dams are approximately 2-3 feet high and are approximately 18-20 feet long. The project will also involve the removal of 17 crib structures, one log vane, one rock deflector and the construction of 54 rock wad structures, 30 J-Hook structures, and 3 rock cross vanes. The project will restore approximately 4000 feet of stream channel and temporarily impact 0.10 acres of wetlands. The project is located approximately 1.25 miles of the town of Hazleton Mills. (Bradford, PA Quadrangle; Latitude: 41° 55' 02", Longitude: -78° 43' 49").

**D15-416EA. Mr. Robert Jones**, 4030 Whitehorse Road, Devault, PA 19432. Charlestown Township, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Charlestown Park Dam across a tributary to French Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 600 feet northeast of the intersection of Township Line Road (T459) and Cold Stream Road (SR 1028) (Malvern, PA Quadrangle; Latitude: 40° 07' 07", Longitude: -75° 33' 22").

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 # ESX11-115-0121  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address 5 Penn Center West Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Springville Township  
Receiving Stream(s) and Classification(s) Thomas Creek (CWF)

ESCGP-1 # ESX11-081-0093  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Thockmorton Street, Suite 1200  
City, State, Zip Ft. Worth, TX 76102  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Roaring Run (EV)

ESCGP-1 # ESX11-081-0067 (01)  
Applicant Name Anadarko E&P Company LP  
Contact Person Rane Wilson  
Address 33 W. 3rd Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Birch Run, Dibber Hollow Run, Little Sandy Run, UNT to Hoagland Run, Larry's Creek, and Big Sand Run (all HQ-CWF)

ESCGP-1 # ESX11-081-0092  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Thockmorton Street, Suite 1200  
City, State, Zip Ft. Worth, TX 76102  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Hoagland Run (HQ-CWF)

ESCGP-1 # ESX11-015-0175  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Suite 201  
City, State, Zip Wexford, PA 15090  
County Bradford County  
Township(s) Overton Township  
Receiving Stream(s) and Classification(s) UNT to Lick Creek, Mill Creek (Both EV);  
Secondary: Little Loyalsock Creek (CWF)

ESCGP-1 # ESX09-115-0024 (02)  
Applicant Name Williams Production Appalachia, LLC  
Contact Person David Freudenrich  
Address 1000 Town Center, Suite 130  
City, State, Zip Canonsburg, PA 15317  
County Susquehanna County  
Township(s) Forest Lake and Middletown Townships

Receiving Stream(s) and Classification(s) Middle Branch Wyalusing Creek (MBWC)/UNT 32374 to MBWC / UNT 53931 to MBWC / UNT 73534 to MBWC

ESCGP-1 # ESX11-115-0109  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) UNT to East Branch of Tunkhannock (CWF with Native Trout Reproduction);  
Secondary: Tunkhannock Creek (CWF)

ESCGP-1 # ESX11-113-0014  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Sullivan County  
Township(s) Davidson Township  
Receiving Stream(s) and Classification(s) UNT to Muncy Creek (HQ-CWF);  
Secondary: Muncy Creek (TSF)

ESCGP-1 # ESX11-081-0103  
Applicant Name PVR Marcellus Gas Gathering, LLC  
Contact Person Kevin Roberts  
Address 25 W. Third Street, 100 Penn Tower, Suite 201-201  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) UNT to Hoagland Run

ESCGP-1 # ESX11-117-0056 (01)  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 455 Racetrack Road  
City, State, Zip Washington, PA 15301  
County Tioga County  
Township(s) Duncan Township  
Receiving Stream(s) and Classification(s) Babb Creek (HQ-CWF), and an UNT to Babb Creek (HQ-CWF);  
Secondary: Pine Creek (EV)

ESCGP-1 # ESX11-081-0106  
Applicant Name Seneca Resources  
Contact Person Mike Clinger  
Address 51 Zents Boulevard  
City, State, Zip Brookville, PA 15825  
County Lycoming County  
Township(s) Lewis and McIntyre Townships  
Receiving Stream(s) and Classification(s) Hagerman Run, Trout Run;  
Secondary: Lycoming Creek

ESCGP-1 # ESX11-033-0024  
Applicant Name Carrizo Marcellus LLC  
Contact Person Gary Byron  
Address 251 Drain Lick Road  
City, State, Zip Drifting, PA 16834  
County Clearfield County  
Township(s) Covington Township  
Receiving Stream(s) and Classification(s) UNT to Grimes Run;  
Secondary: Moshannon-Mosquito Creek

## ESCGP-1 # ESX11-035-0016

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan S. Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Clinton County  
 Township(s) Beech Creek Township  
 Receiving Stream(s) and Classification(s) UNT to Middle  
 Branch Big Run (EV, MF);  
 Secondary: Middle Branch Big Run (EV, MF)

## ESCGP-1 # ESX11-035-0018

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Clinton County  
 Township(s) Noyes Township  
 Receiving Stream(s) and Classification(s) Rock Run  
 (HQ-CWF, MF);  
 Secondary: Shoemaker Branch (HQ-CWF, MF)

## ESCGP-1 # ESX11-035-0015

Applicant Name Anadarko E&P Company LP  
 Contact Person Rane Wilson  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Clinton County  
 Township(s) Beech Creek Township  
 Receiving Stream(s) and Classification(s) East Branch Big  
 Run (EV, MF);  
 Secondary: Big Run (CWF, MF)

## ESCGP-1 # ESX11-081-0109

Applicant Name Anadarko E&P Company  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Lewis Township  
 Receiving Stream(s) and Classification(s) Lycoming Creek  
 (EV)

## ESCGP-1 # ESX11-081-0107

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) Second Fork  
 Larry's Creek (EV, MF)

## ESCGP-1 # ESX11-081-0108

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT to Larry's  
 Creek (EV)

## ESCGP-1 # ESX11-015-0205

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Litchfield Township  
 Receiving Stream(s) and Classification(s) WWF, MF:  
 Tributaries 31600 and 31601 to Parks Creek; Parks  
 Creek, Tributary 31609 to Sackett Creek; CWF, MF;  
 Tributaries 31577, 31583 and 31585 to Satterlee Creek

## ESCGP-1 # ESX11-015-0194

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Sheshequin Township  
 Receiving Stream(s) and Classification(s) Horn Brook  
 River, Tributary 30804 to Susquehanna River, Tributary  
 30799 to Susquehanna River, Tributary 30802 to  
 Susquehanna River; all WWF, MF

## ESCGP-1 # ESX11-117-0103

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Hamilton Township  
 Receiving Stream(s) and Classification(s) Morris Run  
 Tributaries (CWF, MF);  
 Secondary: Morris Run

## ESCGP-1 # ESX11-015-0200

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Smithfield and Ulster Township  
 Receiving Stream(s) and Classification(s) Browns and  
 Cash Creeks—(WWF, MF); Tributaries to Browns and  
 Cash Creeks (WWF, MF)

## ESCGP-1 # ESX11-015-0015 (01)

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Wysox, Standing Stone, and Herrick  
 Townships  
 Receiving Stream(s) and Classification(s) Tribs. 29979,  
 29980, 29978, and 29971 to Rummerfield Creek,  
 Susquehanna River, Trib. 29611 to Billings Creek,  
 Vought Creek, King Creek, Rummerfield Creek, Billings  
 Creek (WWF, MF; Trib. 30045 to Wysox Creek (CWF,  
 MF) Susquehanna Watershed

## ESCGP-1 # ESX11-115-0106

Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna County  
 Township(s) Silver Lake Township  
 Receiving Stream(s) and Classification(s) Tributary to  
 Fall Brook (EV);  
 Secondary: Silver Creek

## ESCGP-1 # ESX11-117-0098

Applicant Name Shell Appalachia, SWEPI, LP  
 Contact Person Jim Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Delmar Township  
 Receiving Stream(s) and Classification(s) West Branch  
 Stony Fork Creek

## ESCGP-1 # ESX11-115-0115

Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz

Address 6051 Wallace Road, Ext., Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) Monroe Creek  
 (CWF, MF);  
 Secondary: Tunkhannock Creek (TSF)

ESCGP-1 # ESX11-015-0088  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 East Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) Susquehanna  
 River (WWF, MF)

ESCGP-1 # ESX11-037-0009  
 Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center Way, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Columbia County  
 Township(s) Sugarloaf Township  
 Receiving Stream(s) and Classification(s) Coles Creek and  
 Fishing Creek (both CWF)

ESCGP-1 # ESX11-115-0091  
 Applicant Name Southwestern Energy Production  
 Company (SEPCO)  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) Gibson Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Tunkhannock Creek (EV)

ESCGP-1 # ESX11-115-0117  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Parkway E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Susquehanna County  
 Township(s) Lenox and Clifford Townships  
 Receiving Stream(s) and Classification(s) UNT to  
 Tunkhannock Creek (WWF, MF)

ESCGP-1 # ESX11-117-0026 (01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) UNT to Ham-  
 mond Creek (CWF-MF), Hammond Creek (CWF-MF)

ESCGP-1 # ESX11-115-0113  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Auburn and Rush Township  
 Receiving Stream(s) and Classification(s) Tuscarora Creek  
 (CWF), UNT to Tuscarora Creek (CWF), UNT to Der  
 Lick Creek (CWF), Wysox-Wyalusing Creeks Watershed;  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-081-0098  
 Applicant Name Seneca Resources Corporation  
 Contact Person Michael Clinger

Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) Gamble Township  
 Receiving Stream(s) and Classification(s) UNT to Mill  
 Creek—TSF (EV);  
 Secondary: Mill Creek (TSF)

ESCGP-1 # ESX11-015-0190  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Rome and Sheshequin Townships  
 Receiving Stream(s) and Classification(s) MF, WWF—  
 Tributaries 30211, 30212, 30213, 30214, 30215, 30217,  
 30218 and 30221 Laning Creek; Laning Creek; Tribu-  
 taries to 30799, 30802, and 64360 to Susquehanna  
 River; Susquehanna River; CWF, MF—Hollow Run;  
 Susquehanna River Watershed

ESCGP-1 # ESX11-033-0022  
 Applicant Name Energy Corporation of America  
 Contact Person Mark Fry  
 Address 1380 Route 286 Highway East, Suite 221  
 City, State, Zip Indiana, PA 15701  
 County Clearfield Township  
 Township(s) Goshen Township  
 Receiving Stream(s) and Classification(s) Deer Creek,  
 West Branch of the Susquehanna (CWF)

ESCGP-1 # ESX11-015-0202  
 Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 400 Southpointe Blvd, Plaza 1, Suite 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford County  
 Township(s) Springfield Township  
 Receiving Stream(s) and Classification(s) Leonard Creek;  
 Secondary: Sugar Creek

ESCGP-1 # ESX11-035-0017  
 Applicant Name Enerplus Resources (USA) Corporation  
 Contact Person Robert Bleil  
 Address 950 17th Street, Suite 2200  
 City, State, Zip Denver, CO 80202  
 County Clinton County  
 Township(s) East Keating Township  
 Receiving Stream(s) and Classification(s) Shade Fork  
 and Moccasin Run/West Branch Susquehanna  
 River (HQ, CWF);  
 Secondary: Sinnemahoning Creek/Grove Run

ESCGP-1 # ESX11-081-0102  
 Applicant Name Seneca Resources  
 Contact Person Michael Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) McIntyre Township  
 Receiving Stream(s) and Classification(s) Grays Run,  
 Heylman Run (HQ)

ESCGP-1 # ESX11-081-0111  
 Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Gamble Township  
 Receiving Stream(s) and Classification(s) East Branch of  
 Murray Run (HQ-CWF); Murray Run (HQ-CWF)



ESCGP-1 # ESX11-081-0112  
 Applicant Name Anadarko E&P Company  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Gamble Township  
 Receiving Stream(s) and Classification(s) UNT West  
 Branch Murry Run, West Branch Murry Run (EV)

ESCGP-1 # ESX11-081-0114  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Lycoming Township  
 Receiving Stream(s) and Classification(s) UNT Hoagland  
 Run, UNT Beautys Run, (EV)

ESCGP-1 # ESX11-015-0125 (01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) Wolfe Creek  
 (TSF-MF)

ESCGP-1 # ESX11-115-0107  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Meshoppen Creek, UNT to Hop Bottom Creek,  
 UNT to Meshoppen Creek, Meshoppen Creek  
 (CWF)

ESCGP-1 # ESX1-117-0105  
 Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Charleston Township  
 Receiving Stream(s) and Classification(s) Caitlin Hollow  
 (TSF, MF)

ESCGP-1 # ESX11-015-0209  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Tuscarora Township  
 Receiving Stream(s) and Classification(s) UNT to Fargo  
 Creek, Little Tuscarora Creek, UNT to Little Tuscarora  
 Creek (all CWF);  
 Secondary: Tuscarora Creek, Susquehanna River (both  
 CWF)

ESCGP-1 # ESX11-035-0014  
 Applicant Name XTO Energy, Inc.  
 Contact Person Stacey Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Clinton County  
 Township(s) Chapman Township

Receiving Stream(s) and Classification(s) Abe's Run  
 (CWF, MF);  
 Secondary: Hyner Run (HQ, CWF, MF)

ESCGP-1 # ESX11-015-0204  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) UNT to Sugar  
 Creek (TSF/MF);  
 Secondary: Sugar Creek (TSF/MF)

ESCGP-1 # ESX11-081-0019  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming County  
 Township(s) Mifflin, Cogan House, and Lewis Townships  
 Receiving Stream(s) and Classification(s) UNT to Lick  
 Run (HQ-CWF), UNT to Larry's Creek, UNT to Mash  
 Run, Second Fork Larry's Creek, UNT to Wolf Run,  
 Wolf Run, Wendell Run (EV)

ESCGP-1 # ESX11-081-0002—Phase 2  
 Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings and Watson Townships  
 Receiving Stream(s) and Classification(s) UNT Chatham  
 Run, Lower Pine Bottom Run, UNT Gamble Run (all  
 HQ-CWF, MF);  
 Secondary: Chatham Run, Gamble Run (both HQ-CWF,  
 MF); Pine Creek (HQ-TSF)

ESCGP-1 # ESX11-081-0116  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Larry's Creek  
 (EV)

ESCGP-1 # ESX11-081-0115  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Larry's Creek  
 and Sandy Run (HQ, EV)

ESCGP-1 # ESX11-081-0117  
 Applicant Name Anadarko Marcellus Midstream  
 Contact Person Nathan Bennett  
 Address 33 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Big Sandy Run  
 (HQ)

ESCGP-1 # ESX11-081-0113  
 Applicant Name Anadarko Marcellus Midstream  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street

City, State, Zip Williamsport, PA 17401  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) Bull Run,  
 Gamble Run, Lower Pine Bottom Run (HQ-CWF, MF)

ESCGP-1 # ESX11-015-0196  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Albany and Monroe Townships  
 Receiving Stream(s) and Classification(s) Tributaries to  
 South Branch of Towanda Creek (CWF, MF)

ESCGP-1 # ESX10-117-0142 (01)  
 Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Delmar and Shippen Townships  
 Receiving Stream(s) and Classification(s) West Branch  
 Stony Fork, UNT to West Branch Stony Fork (CWF)

ESCGP-1 # ESX11-015-0208  
 Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Towanda Creek (CWF, MF)

ESCGP-1 # ESX11-035-0020  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Clinton County  
 Township(s) Grugan Township  
 Receiving Stream(s) and Classification(s) UNT Right  
 Branch Hyner Run (HQ-CWF); Right Branch Hyner  
 Run (HQ-CWF, MF)

ESCGP-1 # ESX11-015-0195  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) Trib. To North  
 Branch Sugar Creek (TSF, MF);  
 Secondary: North Branch Sugar Creek

ESCGP-1 # ESX11-035-0019  
 Applicant Name XTO Energy, Inc.  
 Contact Person Stacey Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, Pa 15701  
 County Clinton County  
 Township(s) Chapman Township  
 Receiving Stream(s) and Classification(s) Long Run  
 (HQ- CWF-MF);  
 Secondary: Hyner Run (HQ-CWF-MF)

ESCGP-1 # ESX11-015-0210  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845

County Bradford County  
 Township(s) Granville Township  
 Receiving Stream(s) and Classification(s) Wallace Brook  
 (CWF-MF);  
 Secondary: Towanda Creek (TSF)

ESCGP-1 # ESX11-015-0207  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford & Susquehanna Counties  
 Township(s) Tuscarora Township & Auburn Township  
 Receiving Stream(s) and Classification(s) Tuscarora Creek  
 (CWF, MF);  
 Secondary: Susquehanna River

ESCGP-1 # ESX11-035-0013  
 Applicant Name XTO Energy Inc.  
 Contact Person Stacy Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Clinton County  
 Township(s) Chapman Township  
 Receiving Stream(s) and Classification(s) Hyner Run  
 (HQ-CWF, MF);  
 Secondary: Susquehanna River

ESCGP-1 # ESX11-015-0203  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Warren Township  
 Receiving Stream(s) and Classification(s) Pendleton  
 Creek, UNT to Pendleton Creek (CWF/MF);  
 Secondary: Wappasening Creek (CWF/MF)

ESCGP-1 # ESX11-015-0215  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) Little Tuscarora  
 Creek, Trib. 29500 to Little Tuscarora Creek, Tuscarora  
 Creek, Trib. 29473 to Fargo Creek, Fargo Creek,  
 Transue Creek, Benninger Creek (CWF, MF)

ESCGP-1 # ESX11-015-0093  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 East Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Ulster Township  
 Receiving Stream(s) and Classification(s) Susquehanna  
 River (WWF, MF)

ESCGP-1 # ESX11-081-0100  
 Applicant Name EXCO Resources (PA) LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Penn Township  
 Receiving Stream(s) and Classification(s) Derr Run (CWF  
 MF); Big Run (HQ-CWF, MF);  
 Secondary: Little Muncy Creek

ESCGP-1 # ESX11-033-0017 (01)  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road, Suite 101  
 City, State, Zip Washington, PA 15301  
 County Clearfield County  
 Township(s) Huston Township  
 Receiving Stream(s) and Classification(s) Bark Camp Run, Matley Hollow, Moose Run (CWF, MF); South Bennett Branch, Anderson Creek, Wise Run (HQ-CWF, MF)

ESCGP-1 # ESX11-115-0090  
 Applicant Name Carrizo (Marcellus), LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna County  
 Township(s) Silver Lake Township  
 Receiving Stream(s) and Classification(s) Silver Creek (CWF), UNT to Silver Creek (CWF), 2 UNT to Fall Brook (CWF)

ESCGP-1 # ESX11-081-0101  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Franklin Township  
 Receiving Stream(s) and Classification(s) Big Run, UNT Little Muncy Creek;  
 Secondary: Little Muncy Creek

ESCGP-1 # ESX11-115-0118  
 Applicant Name Carrizo (Marcellus), LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna County  
 Township(s) Forest Lake and Bridgewater Township  
 Receiving Stream(s) and Classification(s) 2 UNT to Forest Lake Creek (CWF), JNT to Beebe Creek (CWF)

ESCGP-1 # ESX11-117-0079  
 Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Farmington Township  
 Receiving Stream(s) and Classification(s) Cummings Creek/Susquehanna River Basin in PA—Tioga River List H;  
 Secondary: Cowanesque River

ESCGP-1 # ESX10-081-0070(01)  
 Applicant Name Pennsylvania General Energy Company, LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) Cummings & Watson Township  
 Receiving Stream(s) and Classification(s) Ritter Run (HQ/CWF); North Fork Tombs Run (HQ/CWF);  
 Secondary: Tombs Run, Tarkiln Run (HQ/CWF)

ESCGP-1 # ESX11-033-0029  
 Applicant Name EOG Resources Inc.  
 Contact Person Jon Jorgenson  
 Address 2039 S. 6th Street  
 City, State, Zip Indiana, PA 15701-6012

County Clearfield County  
 Township(s) Lawrence Township  
 Receiving Stream(s) and Classification(s) UNT Coldstream Run

ESCGP-1 # ESX11-015-0214  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Rome and Orwell Townships  
 Receiving Stream(s) and Classification(s) Tribs. 30168, 30189, 30188, 30187, and 30172 to Wysox Creek, Trout Stream, Wysox Creek (CWF, MF, and Parks Creek (WWF,MF)); Susquehanna River Watershed

ESCGP-1 # ESX11-033-0028  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road  
 City, State, Zip Washington, PA 15301  
 County Clearfield County  
 Township(s) Pine Township  
 Receiving Stream(s) and Classification(s) Whitney Run (part of Anderson Creek Basin) (HQ);  
 Secondary: Anderson Creek (HQ, CWF, MF)

ESCGP-1 # ESX11-015-0216  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) UNT to Foster Branch Sugar Run, and Foster Branch Sugar Run, which are Tributaries to Sugar Run Creek (CWF/MF);  
 Secondary: Sugar Run Creek (CWF)

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

09/12/2011  
 ESCGP-1 No: ESX11-125-0078  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person Joseph Frantz  
 Address: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township: Hopewell  
 Receiving Stream (s) And Classifications: Cross Creek, UNTs to Cross Creek/raccoon Creek Watershed, HQ

8/23/2011  
 ESCGP-1 No.: ESX10-051-0021 Major Revision  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Menallen  
 Receiving Stream(s) and Classifications: Fans River and UNTs to Fans River/Middle Monongahela River Watershed

7/18/2011  
 ESCGP-1 No.: ESX11-059-0020 Major Revision  
 Applicant Name: Energy Corporation of America  
 Contact Person: Mark Fry  
 Address: 1380 Route 286 Highway East Suite 221  
 City: Indiana State: PA Zip Code: 05701  
 County: Washington Township(s):  
 Receiving Stream(s) and Classifications: UNT to Southbranch Muddy Creek WWF Muddy Creek, Other

6/8/2011  
 ESCGP-1 No.: ESX11-021-0005  
 Applicant Name: Chief Oil & Gas LLC  
 Contact Person: Michael Hritz  
 Address: 6051 Wallace Road Ext Suite 210  
 City: Wexford State: PA Zip Code: 15090  
 County: Cambria Township(s): Adams  
 Receiving Stream(s) and Classifications: South Fork Little  
 Conemaugh River EV (Exceptional Value)

09/01/2011  
 ESCGP-1 No.: ESX11-007-0009  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 COUNTY Beaver Township(s): Hanover  
 Receiving Stream(s) and Classifications: UNT to Aunt  
 Clara Fork Kings Creek & Wingfield Run/Raccoon  
 Creek Watershed, Other

8/15/2011  
 ESCGP-1 No.: ESX10-059-0073 Major Revision  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 N Main St  
 City: Athens State: PA Zip Code: 15312  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT to Mudlick  
 Fork, UNT to Grave Creek WWF, Grave Creek WWF  
 Confluence, Other

6/14/11  
 ESCGP-1 No.: ESX11-051-0020

Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Michael Hopkins  
 Address: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code 15108  
 County: Fayette Township(s): Menallen and Redstone  
 Receiving Stream(s) and Classifications: Rowes Run  
 WWF, UNTs to Rowes Run WWF Colvin Run WWF,  
 UNTs to Colvin Run WWF & UNTs to Dunlap Creek  
 WWF/Monongahela River Watershed

7/7/2011  
 ESCGP-1 No.: ESX10-129-0039 Major Revision Phase  
 1 & 2  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Craig Neal  
 Address: 280 Indian Springs Road—Suite 333  
 City: Indiana State: PA Zip Code: 15701  
 County: Westmoreland Township(s): Washington  
 Receiving Stream(s) and Classifications: UNT to Beaver  
 Run Reservoir/Beaver Run Reservoir, HQ

8/24/2011  
 ESCGP-1 No.: ESX11-051-0032  
 Applicant Name: Laurel Mountain Midstream, LLC  
 Contact Person: Frank Canneto  
 Address: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Fayette Township(s): Frankline  
 Receiving Stream(s) and Classifications: UNT's to  
 Redstone Creek WWF/Monongahela River Watershed  
*Washington County Conservation District: 100 West  
 Beau Street, Suite 105, Washington, PA 15301.  
 (724.228.6774)*

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<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
63118003	MarkWest Liberty Midstream & Resources, LLC 601 Technology Drive, Suite 130 Canonsburg, PA 15317	Washington	Chartiers Township	UNT to Westland Run (WWF) and UNT to Chartiers Run (WWF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
24 11 801	C2 Energy Solutions LLC PO Box 8069 Erie PA 16505 and Veolia Environmental Service— Greentree Landfill Greentree Landfill Road Kersey PA 15846	Elk	Fox Township	UNT Sawmill Run CWF; UNT Bear Run CWF; Clarion River Watershed

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-047-0029—HM1 to Dominion Tap  
 Pipeline  
 Applicant Hunt Marcellus Operating Company, LLC  
 Contact Diane Prier  
 Address 1900 N. Akard Street  
 City Dallas State TX Zip Code 75201  
 County Elk Township(s) Ridgway(s)  
 Receiving Stream(s) and Classification(s) Little Mill  
 Creek HQ-CWF, Silver Creek HQ-CWF, Clarion River—  
 CWF

ESCGP-1 #ESX11-031-0022—Stewart Freshwater  
 Impoundment  
 Applicant Northeast Natural Energy  
 Contact Joshua Diaz  
 Address 707 Virginia Street Suite 1400  
 City Charleston State WV Zip Code 25301  
 County Clarion Township(s) Porter(s)  
 Receiving Stream(s) and Classification(s) UNT to Wildcat  
 Run East Fork (CWF)

ESCGP-1 #ESX11-083-0051—Stickney Well Sites, Dennis  
 Sabella Property  
 Applicant U.S. Energy Development Corporation

Contact Mr. Todd Witmer  
 Address 2350 North Forest Road  
 City Getzville State NY Zip Code 14068  
 County McKean Township(s) Corydon(s)  
 Receiving Stream(s) and Classification(s) High Quality  
 Boatroad Run, Willow Creek, North Branch Willow  
 Creek

ESCGP-1 #ESX11-065-0037—R. C. Winslow 1H  
 Applicant XTO Energy  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Jefferson Township(s) Calmont(s)  
 Receiving Stream(s) and Classification(s) Little Sandy  
 Creek TSF / Little Sandy Creek Watershed

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## SPECIAL NOTICES

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### NOTICE OF SUSPENSION OF CERTIFICATION TO PERFORM RADON TESTING ACTIVITIES IN PENNSYLVANIA

In the Matter of Nicholas Wypych

On September 27, 2011, the Pennsylvania Department of Environmental Protection ("Department"), under the authority contained in the Radon Certification Act (63 P.S. §§ 2001—2014) and the regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended Nicholas Wypych's certification to perform radon-related activities in Pennsylvania. The Department suspended Mr. Wypych's radon mitigation individual certification #2789 for his failure to submit the required 45-day reporting and late reporting fee in violation of 25 Pa. Code § 240.303(a), 25 Pa. Code Ch. 240 Appendix A, and 25 Pa. Code § 240.203(a)(3). Copies of Mr. Wypych's Suspension are available from Kelley Oberdick, Department of Environmental Protection, 400 Market Street, 13th Floor, Harrisburg, PA 17101, (717) 783-3594.

Name  
 Nicholas Wypych

Address  
 354 Center Street  
 Landing, NJ 07850-1023

Type of Radon Certification  
 Mitigation individual

#### Categorical Exclusion

*Southwest Regional Office, Water Management Program  
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
 4745*

*Location:* Ferndale Borough, 109 Station Street, Johnstown, PA 15905

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to separate its existing Combined Sewer System in accordance with its Long Term Control Plan—NPDES Permit #PA0253936. Construction will occur in the same area as the existing sewers.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

#### Categorical Exclusion

*Location:* City of Johnstown, 401 Main Street, Johnstown, PA 15901

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to rehabilitate existing sewers in the Hornerstown and Walnut Grove areas to remove extraneous flows in accordance with a DEP Consent Order & Agreement. Construction will occur in the same area as the existing sewers.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Public Notice of a Request for Proposals (RFP) to retain up to seven (7) firms to provide professional design services, feasibility studies and other technical services as required for the reclamation of abandoned mine lands including surface mine reclamation, surface and underground mine fires, closure of mine openings, abatement or treatment of Acid Mine Drainage (AMD) water pollution, evaluation or rehabilitation of existing passive and active AMD treatment systems and water supply replacement. The projects will be located in the bituminous coalfields of western and the anthracite coalfields of northeastern Pennsylvania.

RFP No. BMP PA(DES-11). Notice is given that the Department of Environmental Protection is issuing a Request for Proposals (RFP) to retain up to seven (7) firms to provide professional design services, feasibility studies and other technical services as required for the reclamation of abandoned mine lands including surface mine reclamation, surface and underground mine fires, closure of mine openings, abatement or treatment of Acid Mine Drainage (AMD) water pollution, evaluation or rehabilitation of existing passive and active AMD treatment systems and water supply replacement. The projects will be located in the bituminous coalfields of western and the anthracite coalfields of northeastern Pennsylvania. Copies of RFP support documents may be requested by mail or e-mail. Department of Environmental Protection (DEP), Bureau of Mining Programs, Division of Environmental Analysis and Support (EA&S), 400 Market Street, P. O. Box 8461, Harrisburg, Pennsylvania 17105-8461 or RA-RFPBids@pa.gov

You are invited to submit a proposal for Professional Design Services in accordance with the RFP. Five (5) paper copies and one (1) PDF electronic version of the proposal must be submitted to Department of Environmental Protection (DEP), Bureau of Mining Programs, Division of Environmental Analysis and Support (EA&S), 400 Market Street, P. O. Box 8461, Harrisburg, Pennsylvania 17105-8461. Proposals must be received at the above address no later than 2:00 p.m., local time, December 5, 2011. Late proposals will not be considered regardless of the reason. Any questions related to the RFP must be submitted in writing via email (title subject line "RFP BMP PA (DES-11) Question") to: RA-RFPBids@pa.gov no later than November 4, 2011. The questions and answers regarding the RFP will be furnished by November 18, 2011, to all Professionals who received the RFP. Please note that questions will NOT be accepted or answered via telephone or fax. All questions and written answers will be issued as an addendum to and become part of this RFP.

[Pa.B. Doc. No. 11-1793. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Interim Final Technical Guidance*

DEP ID: 270-0810-006. Title: Guidance for Performing Single Stationary Source Determinations for Oil and Gas Industries. Description: The Department announces the availability of interim final technical guidance for performing single stationary source determinations for Oil and Gas Industries. There are significant gas exploration and extraction activities occurring in the Commonwealth within the Marcellus Shale formation and other formations. This guidance is intended to assist the Department air program permitting staff in making single source determinations for oil and gas industries in this Commonwealth.

Single source determinations arise when air contamination sources under common control are located on one or more contiguous or adjacent properties. These determinations will be made in the Commonwealth on a fact-specific and case-by-case basis, applying the "common sense notion of plant." This interim final guidance applies to case-by-case analyses conducted by the Department's air program permitting staff when determining whether stationary sources should be considered a single source for permitting requirements applicable to programs including Prevention of Significant Deterioration Nonattainment New Source Review and Title V permitting programs. Contact: Questions regarding the interim final guidance can be directed to Krishnan Ramamurthy, Chief of the Division of Permits, Bureau of Air Quality at [kramamurth@pa.gov](mailto:kramamurth@pa.gov) or (717) 787-4325. Written Comments: Interested persons may submit written comments on this interim final technical guidance document by November 21, 2011. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written

comments should be submitted to Krishnan Ramamurthy, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [kramamurth@pa.gov](mailto:kramamurth@pa.gov).

*Effective Date:* This interim final technical guidance is effective on October 12, 2011. The Department's Air Quality permitting staff will begin implementing the technical guidance in permitting decisions on an interim basis immediately, while public comments are being received and considered.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1794. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 10(7228)101.1, Abandoned Mine Reclamation Project, Walley Mill North, Parker Township, Butler County.** The principal items of work and approximate quantities include mobilization and demobilization; Erosion and Sediment Pollution Control Plan; clearing and grubbing; grading 158,500 cubic yards; subsurface drain 245 linear feet; and seeding 33.5 acres. This bid issues October 21, 2011, and bids will be opened on November 17, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1795. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 11(2810)101.1, Abandoned Mine Reclamation Project, Slate Lick Run East, White Township, Cambria County.** The principal items of work and approximate quantities include grading 153,000 cubic yards; seeding 21 acres; and tree planting 15,580 trees. This bid issues October 21, 2011, and bids will be opened on November 17, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1796. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Storm Relief Grant Funding

The Department of Environmental Protection (Department) announces the availability of emergency Storm Relief Grant Funding of 50% up to \$9,500 from the Commonwealth's Advantage Grant Program (Program) for small business pollution prevention. Small Business Storm Relief Advantage is a grant program which may enable a small business to implement pollution prevention project, must prevent or mitigate an imminent threat to public health or safety and can help small businesses cut costs and reduce the risk of potential regulatory problems. Costs incurred after August 26, 2011, and before December 31, 2011, are eligible for grant consideration.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. All Commonwealth small businesses are eligible, including, but not limited to, manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility.

For a copy of the application to review the Program's eligibility requirements, contact Rhonda Brown, Office of the Small Business Ombudsman, (717) 772-8909. To ask a specific question concerning a project type, write to [epadvantagegrant@state.pa.us](mailto:epadvantagegrant@state.pa.us) before submitting an application. The Department will continue accepting applications until December 31, 2011, or until funds are exhausted, whichever occurs first.

Applications are most quickly obtained from the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: sradvantage). Applications are also available by contacting the Department of Environmental Protection, Office of the Small Business Ombudsman, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8909. The application package contains the materials and instructions necessary for applying for a grant.

Applications must be postmarked or hand delivered by 4 p.m. on December 31, 2011. Faxes or other electronic submissions will not be accepted.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1797. Filed for public inspection October 21, 2011, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, November 9, 2011, at 10 a.m., in Great Room A, Regional Learning Alliance at Cranberry Woods, 850 Cranberry Woods Drive, Cranberry Township, PA 16066.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at [www.dli.state.pa.us](http://www.dli.state.pa.us). Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,  
Secretary

[Pa.B. Doc. No. 11-1798. Filed for public inspection October 21, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Treasure Tree '11 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Treasure Tree '11.

2. *Price:* The price of a Pennsylvania Treasure Tree '11 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Treasure Tree '11 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gingerbread Man (GBMAN) symbol, Gold Bar (GOLD) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Jingle Bell (JINGLE) symbol, String of Lights (LIGHT) symbol, Mitten (MITTEN) symbol, Dollar Sign (MONEY) symbol, Nutcracker (NTRKR) symbol, Reindeer (RNDEER) symbol, Scarf (SCARF) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toy Sack (TOYS) symbol, Wreath (WREATH) symbol, Ornament (ORNAMENT) symbol and a Gift (GIFT) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The player can win up to 12 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Treasure Tree '11 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Treasure Tree '11 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$100,000

(ONEHUNTHO) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$50<sup>.00</sup>

(FIFTY) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a Gift (GIFT) symbol in the play area, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “prize” area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with an Ornament (ORNAMENT) symbol in the play area, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “prize” area under that Ornament (ORNAMENT) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Scratch The Entire Tree Play Area. Reveal An “ORNAMENT” (ORNAMENT) Symbol, Win Prize Shown Under It. Win With:*

<i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,640,000 Tickets</i>
\$5	\$5	8.57	1,008,000
\$5 × 2	\$10	30	288,000
\$10	\$10	30	288,000
\$5 × 4	\$20	300	28,800
\$10 × 2	\$20	150	57,600
\$20	\$20	150	57,600
\$5 × 5	\$25	300	28,800
(\$10 × 2) + \$5	\$25	300	28,800
(\$5 × 3) + \$10	\$25	300	28,800
\$20 + \$5	\$25	300	28,800
\$25	\$25	300	28,800
\$5 × 8	\$40	600	14,400
\$10 × 4	\$40	600	14,400
\$20 × 2	\$40	600	14,400
\$25 + \$10 + \$5	\$40	600	14,400
\$40	\$40	600	14,400
\$50 w/GIFT	\$50	600	14,400
\$5 × 10	\$50	600	14,400
\$10 × 5	\$50	600	14,400
\$25 × 2	\$50	600	14,400
\$50	\$50	600	14,400
(\$50 w/GIFT) × 2	\$100	1,412	6,120



Scratch The Entire Tree Play  
Area. Reveal An  
"ORNAMENT"  
(ORNAMENT) Symbol, Win  
Prize Shown Under It.  
Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,640,000 Tickets
(\$50 w/GIFT) + (\$10 × 5)	\$100	1,412	6,120
\$10 × 10	\$100	1,500	5,760
\$20 × 5	\$100	1,500	5,760
\$50 × 2	\$100	1,500	5,760
\$100	\$100	1,500	5,760
(\$50 w/GIFT) × 8	\$400	30,000	288
\$40 × 10	\$400	30,000	288
(\$25 × 10) + \$100 + \$50	\$400	30,000	288
\$50 × 8	\$400	30,000	288
\$100 × 4	\$400	30,000	288
\$400	\$400	30,000	288
(\$50 w/GIFT) × 10	\$500	40,000	216
(\$40 × 10) + (\$50 × 2)	\$500	40,000	216
\$100 × 5	\$500	40,000	216
\$500	\$500	40,000	216
\$100 × 10	\$1,000	60,000	144
(\$400 × 2) + (\$100 × 2)	\$1,000	60,000	144
\$500 × 2	\$1,000	60,000	144
\$1,000	\$1,000	60,000	144
\$500 × 10	\$5,000	576,000	15
\$1,000 × 5	\$5,000	576,000	15
\$5,000	\$5,000	576,000	15
\$10,000	\$10,000	411,429	21
\$100,000	\$100,000	576,000	15

Reveal a "GIFT" (GIFT) symbol, win \$50 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

**10. Pennsylvania Lottery's \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:**

(a) To be eligible for the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2011 holiday instant tickets via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2011 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries must be submitted from a computer within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2011 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-0906 Treasure Tree '11 (\$5) ticket will entitle the player to 5 entries.

(c) The qualifying Pennsylvania Lottery 2011 holiday instant tickets, their respective purchase prices and corre-

sponding number of entries are: PA—0904 Merry Millions (\$20) = 20 entries; PA—0905 Holiday Gifts '11 (\$10) = 10 entries; PA—0906 Treasure Tree '11 (\$5) = 5 entries; PA—0907 Peng-Win (\$3) = 3 entries; PA—0908 Season's Greetings '11 (\$2) = 2 entries; and PA—0909 Candy Cane Cash '11 (\$1) = 1 entry.

**11. Pennsylvania Lottery's \$100,000 Jolly Jackpot Second-Chance Drawings:**

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings entries received on or before 11:59:59 p.m. November 28, 2011, will be entered in the Pennsylvania Lottery's \$100,000 Jolly Jackpot Early Bird drawing, which will be held the week of November 29, 2011, and the Pennsylvania Lottery's \$100,000 Jolly Jackpot Grand Prize drawing, which will be held the week of January 3, 2012.

(2) All Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. November 28, 2011, through 11:59:59 p.m. January 2, 2012, will be eligible to participate in the Pennsylvania Lottery's \$100,000 Jolly Jackpot Grand Prize drawing, which will be held the week of January 3, 2012.

(3) The winners of the Pennsylvania Lottery's \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 3, 2011.

(4) The winners of the Pennsylvania Lottery's \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 7, 2012.

(5) The odds of an entry being selected in a Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC and other agents and families living in the same household of each are not eligible to participate in the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code §§ 811.16 (relating to prizes payable after death of a prize winner).

12. *Description of Pennsylvania Lottery's \$100,000 Jolly Jackpot second-chance drawings prizes:*

(a) The first through the tenth winner selected in the Pennsylvania Lottery's \$100,000 Jolly Jackpot Early Bird drawing, held the week of November 29, 2011, shall be entitled to \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's \$100,000 Jolly Jackpot Grand Prize drawing, held the week of January 3, 2012, shall be entitled to \$100,000. This prize shall be paid as a lump-sum cash payment.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Treasure Tree '11 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Treasure Tree '11, prize money from winning Pennsylvania Treasure Tree '11 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Treasure Tree '11 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Treasure Tree '11 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1799. Filed for public inspection October 21, 2011, 9:00 a.m.]

## DEPARTMENT OF STATE

### Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee (Committee), under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, November 15, 2011, at 11 a.m. for discussion of the Corporation Bureau's budget. The meeting will be held in Room 303/304, Executive Office Conference Room, Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 11-1800. Filed for public inspection October 21, 2011, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, November 4, 2011. The meeting will begin at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Laura Krol at (717) 783-4534 by Friday, October 28, 2011. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 1:30 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Laura Krol prior to the meeting so that disability needs may be accommodated.

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

[Pa.B. Doc. No. 11-1801. Filed for public inspection October 21, 2011, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 6, 2011, and announced the following:

### Action Taken—Regulations Approved

Department of Transportation #18-422: Odometer Reading Disclosure Statements (deletes Chapter 21 of 67 Pa. Code)

Philadelphia Parking Authority #126-1: Philadelphia Taxicab and Limousine Regulations (adds Part II to 52 Pa. Code)

### Approval Order

Public Meeting held  
October 6, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Department of Transportation—  
Odometer Reading Disclosure Statements;  
Regulation No. 18-422 (#2906)*

On September 1, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking deletes Chapter 21 of 67 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking deletes Chapter 21 of the Department's regulations. Chapter 21 was promulgated in 1977, and its purpose was to establish the form and manner in which odometer disclosure statements were made as prescribed by Section 1112 of the Vehicle Code (75 Pa.C.S.A. § 1112). Section 1112 was repealed in 1983.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. § 6103(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
October 6, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Philadelphia Parking Authority—  
Philadelphia Taxicab and Limousine Regulations;  
Regulation No. 126-1 (#2885)*

On December 28, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Philadelphia Parking Authority (PPA). This rulemaking adds Part II to 52 Pa. Code. The proposed regulation was published in the January 15, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 21, 2011 and withdrawn on August 12, 2011. The final-form regulation was re-submitted to the Commission on August 31, 2011.

This final-form regulation is a comprehensive rulemaking that establishes standards of operation for Philadelphia taxicab and limousine service providers.

We have determined this regulation is consistent with the statutory authority of the PPA (53 Pa.C.S. §§ 5701 et. seq.) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1802. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-155	Pennsylvania Gaming Control Board Table Game Rules for Blackjack and Pai Gow Poker 41 Pa.B. 4421 (August 13, 2011)	9/12/11	10/12/11

#### Comments of the Independent Regulatory Review Commission

##### Pennsylvania Gaming Control Board Regulation #125-155 (IRRC #2901)

#### Table Game Rules for Blackjack and Pai Gow Poker October 12, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the August 13, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Adverse effects on prices, productivity or competition.

Section 25 of the Regulatory Analysis Form asks how this regulation compares with those of other states and how it will affect Pennsylvania's ability to compete with other states. The Board's response to these questions is that the regulations are consistent with the objectives and requirements of the Gaming Act. The Board also notes that having more advantageous rules of play in Blackjack should attract more patrons to gaming in the Commonwealth versus other states and should not negatively affect Pennsylvania's ability to compete with other states.

While we appreciate the Board's response to these questions, we seek more information on the house advantage that these regulations establish for each of the table games contained in this rulemaking. We ask the Board to provide this information and to compare it to other gaming jurisdictions, including New Jersey. This information will assist this Commission in determining if the regulation is in the public interest.

#### 2. Implementation procedures.

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are:

- § 633a.2(b)
- § 633a.2(b)(3)(iii)
- § 633a.2(c)
- § 633a.2(d)
- § 633a.5(g)(2)(ii)
- § 633a.5(h)
- § 633a.7(a)
- § 645a.2(b)
- § 645a.2(c)(1)
- § 645a.2(c)(2)
- § 645a.2(c)(3)
- § 645a.2(e)
- § 645a.5(g)(2)(ii)
- § 645a.5(h)
- § 645a.8(a)

It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

#### 3. Clarity and ambiguity.

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certificate holders) are required to obtain certain approvals from the Board's Bureau of Gaming Operations, the Bureau of Gaming Laboratory Operations, or the Bureau of Casino Compliance. For example, Section 633a.2(b) states, in part, the following: "The layout for a Blackjack table shall be approved by the Bureau of Gaming Operations and contain, at a minimum. . . ." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final-form regulation include the procedures or appropriate cross-references to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 633a.4(f)
- § 633a.5(a)
- § 633a.6(e)
- § 633a.6(f)
- § 633a.7(r)
- § 633a.11(c)
- § 633a.12(a)
- § 633a.12(b)
- § 633a.13(f)
- § 633a.13(g)
- § 633a.13(j)
- § 645a.2(d)
- § 645a.4(e)
- § 645a.5(a)
- § 645a.7(e)
- § 645a.7(f)
- § 645a.11(a)(1)
- § 645a.11(c)
- § 645a.12(a)
- § 645a.12(e)
- § 645a.12(i)
- § 645a.13(b)
- § 645a.13(c)
- § 645a.13(d)
- § 645a.13(e)(2)
- § 645a.13(f)

#### 4. Section 633a.7. Procedure for dealing the cards; completion of each round of play.—Reasonableness.

Subsection (n) requires a dealer to draw additional cards in the game of Blackjack until he has a hard or soft total of 17, 18, 19, 20 or 21. Casino patrons have submitted comments in favor of this provision. They note that this provision, along with others, is the reason they patronize Pennsylvania casinos more than casinos in other states. A certificate holder also submitted comments on this section stating that this requirement limits its ability to maximize gross table game revenue. It suggests

that the provision be amended to allow certificate holders the option of staying or hitting on a soft 17. This change would align Pennsylvania regulations with standards of other gaming jurisdictions. In the Preamble to the final-form regulation, we ask the Board to explain its rationale for this provision and why it is appropriate for both Pennsylvania certificate holders and patrons of casinos.

**5. Section 633a.8. Insurance wager.—Reasonableness.**

A certificate holder submitted comments on this section proposing that it be amended to allow certificate holders to offer “even money” in lieu of an insurance wager when the player’s hand contains a two-card Blackjack. The commentator notes that once a player is dealt a two-card Blackjack and decides to take insurance, the player will always end up with a net gain equal to the original wager. The commentator believes that allowing this option would be more efficient and customer friendly. We believe the suggestion is reasonable and ask the Board to consider it as it prepares the final-form regulation.

**6. Section 645a.3. Cards; number of decks.—Reasonableness.**

A commentator has suggested that the requirement of changing cards used in an automatic dealing shoe for the

game of Pai Gow Poker be amended from every eight hours to twelve hours. They note that when the game is halted to change cards, revenue is not being generated. If the Board believes this amendment would not hinder the integrity of gaming, we suggest that it be incorporated into the final-form rulemaking.

**7. Section 645a.9. Procedures for dealing the cards from the hand.—Reasonableness.**

Subsection (a)(1) requires an automated shuffling device to be used for the game of Pai Gow Poker if the cards are dealt from the dealer’s hand. Has the Board considered allowing certificate holders the option of using an automated shuffling device or manually shuffling the cards? This flexibility could assist in instances when the automated shuffling device becomes inoperable. We suggest that the Board amend the final-form rulemaking accordingly, or explain why doing so would diminish the integrity of gaming.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1803. Filed for public inspection October 21, 2011, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, Commission will provide a copy or a copy can be obtained from the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-271	Public Utility Commission Utilities; Service Outage Response and Restoration Practices	10/11/11	11/17/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1804. Filed for public inspection October 21, 2011, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Janet Gutman, t/d/b/a World Insurance; Order to Show Cause; Doc. No. SC11-06-018**

A hearing shall occur on November 15, 2011, at 11 a.m. in the Administrative Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1805. Filed for public inspection October 21, 2011, 9:00 a.m.]

**Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies’ termination of the insured’s homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department’s regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Anil Agarwal; file no. 11-183-106374; First Liberty Insurance Corporation; Doc. No. P11-09-012; November 16, 2011, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1806. Filed for public inspection October 21, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2011-2264538. UGI Penn Natural Gas, Inc.** Amended application of UGI Penn Natural Gas, Inc. for approval to offer, render, furnish or supply gas utility service to the public in the additional territories of Grugan and Wayne Townships, Clinton County; Jessup Borough, Lackawanna County; Dingman Township, Pike County; Lewis Township, Union County; and Clinton Township, Wayne County.

This amended application removes Crawford Township, Clinton County and Limestone Township, Montour County from the original application.

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, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* UGI Penn Natural Gas, Inc.

*Through and By Counsel:* Mark C. Morrow, Esquire, UGI Corporation, P. O. Box 858, Valley Forge, PA 19482

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1807. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Pro Forma Intra-Corporate Transactions

**A-2011-2266958 and A-2011-2266959. DSLNet Communications, LLC and DIECA Communications, Inc.** Joint application of DSLNet Communications, LLC and DIECA Communications, Inc. for approval to complete certain Pro Forma Intra-Corporate Transactions.

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 7, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* DSLNet Communications, LLC and DIECA Communications, Inc.

*Through and By Counsel:* John F. Povilaitis, Esquire, Buchanan Ingersoll & Rooney, PC, 17 North Second Street, 15th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1808. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 7, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sawink, Inc. t/a County Cab Co.; Doc. No. C-2011-2223867; A-00122187*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Sawink, Inc., t/a County Cab Co., respondent, maintains its principal place of business at 702 MacDade Boulevard, Collingdale, Pennsylvania 19023.

2. That respondent was issued a certificate of public convenience by this Commission on July 11, 2006, at Docket No. A-00122187.

3. That respondent, on January 10, 2011, at 10:15 a.m., at 69th and Market Streets, Upper Darby, Delaware County, Pennsylvania, permitted a certain 2004 Ford taxi, bearing Pennsylvania License No. TX46192, Vehicle Identification No. 2FAFP70W34X135814, to be operated.

4. That the vehicle described in Paragraph 3 of this Complaint was inspected by Enforcement Officer Anthony Bianco, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 3 and the following violation was disclosed.

(a) No lease on board.

5. That respondent, by failing to carry a lease agreement in the leased vehicle, violated 52 Pa. Code § 29.101(b)(2)(i). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty is \$50.00.

6. That respondent, on January 10, 2011, at 11:00 a.m., at 69th and Market Streets, Upper Darby, Delaware County, Pennsylvania, permitted a certain 2005 Ford taxi, bearing Pennsylvania License No. TX45323, Vehicle Identification No. 2FAFP70W75X154254, to be operated.

7. That the vehicle described in Paragraph 6 of this Complaint was inspected by Enforcement Officer Anthony Bianco, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 6 and the following violation was disclosed.

(a) No lease on board.

8. That respondent, by failing to carry a lease agreement in the leased vehicle, violated 52 Pa. Code § 29.101(b)(2)(i). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty is \$50.00 for each vehicle for a total of \$100.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Sawink, Inc., t/a County Cab Co., the sum of one hundred dollars (\$100.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 11-1809. Filed for public inspection October 21, 2011, 9:00 a.m.]

#### **Transfer of Assets, Abandon Service and Tariff Changes**

**A-2011-2266911 and A-2011-2266914. DQE Communications Network Services, LLC and MetNet Communications Services, Inc.** Joint general rule application of DQE Communications Network Services, LLC and MetNet Communications Services, Inc. for approval, Nunc Pro Tunc, of: 1) MetNet Communications Services, Inc. to transfer its assets to DQE Communications Network Services, LLC; 2) for MetNet Communications Services, Inc. to abandon service and for the assumption of that service by DQE Communications Network Services, LLC;

and 3) cancel MetNet tariff and approval tariff modifications to DQE Communications Network Services tariff.

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 7, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* DQE Communications Network Services, LLC and MetNet Communications Services, Inc.

*Through and By Counsel:* Gary A. Jack, Assistant General Counsel, 411 Seventh Avenue, 16th Floor, Pittsburgh, PA 15219

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1810. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Transfer of Control

**A-2011-2266833, A-2011-2266834 and A-2011-2266835. First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Gores AC Holdings LLC.** Joint application of First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Gores AC Holdings, LLC for approval of a transfer of control.

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 7, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc.

*Through and By Counsel:* Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1811. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Transfer Control

**A-2011-2266938. SelecTel, Inc.** Application of SelecTel, Inc. for approval to transfer control from Lanz Jackson to Matt O'Flaherty, Terri O'Flaherty and Stacy Hergenrader.

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 7, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* SelecTel, Inc.

*Through and By Counsel:* Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, PC, 1725 Windward Course, Suite 150, Alpharetta, GA 30005

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1812. Filed for public inspection October 21, 2011, 9:00 a.m.]

### Transfer of Indirect Control

**A-2011-2266941 and A-2011-2266839. 360networks Corporation, 360networks (USA), Inc. and Zayo Group, LLC.** Joint application of 360networks Corporation, 360networks (USA), Inc. and Zayo Group, LLC for approval of the transfer of indirect control of 360networks (USA), Inc. to Zayo Group, LLC.

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 7, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* 360networks (USA), Inc. and Zayo Group, LLC

*Through and By Counsel:* Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1813. Filed for public inspection October 21, 2011, 9:00 a.m.]

## STATE BOARD OF MEDICINE

**Bureau of Professional and Occupational Affairs v. Daniel Ryan Kensinger, M.D.; Doc. No. 1997-49-09**

On August 29, 2011, Daniel Ryan Kensinger, M.D., license no. MD420383, of Dakota Dunes, SD, had his Pennsylvania license reprimanded based on disciplinary



action taken against Dr. Kensinger's license to practice medicine by the proper licensing authority of another state.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine'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.

CAROL E. ROSE, M.D.,  
*Chairperson*

[Pa.B. Doc. No. 11-1814. Filed for public inspection October 21, 2011, 9:00 a.m.]

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## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Lisa Ann Schatz, LPN; Doc. No. 1831-51-2010**

On June 14, 2011, Lisa Ann Schatz, license no. PN253827L, of Hatfield, Montgomery County, had her nursing license indefinitely suspended based on findings that she is unable to practice the profession with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-1815. Filed for public inspection October 21, 2011, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Chase Auto Center, Inc.; Doc. No. 1291-60-2011**

On July 19, 2011, Chase Auto Center, Inc., of Manheim, Lancaster County, was suspended for failing to comply with a previously issued State Board of Vehicle Manufacturers, Dealers and Salespersons order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-1816. Filed for public inspection October 21, 2011, 9:00 a.m.]

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## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Eric A. Wheatley; Doc. No. 1090-56-11**

On June 20, 2011, Eric A. Wheatley, license no. RS305861, of Saltsburg, Indiana County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's (Commission) 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 Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 11-1817. Filed for public inspection October 21, 2011, 9:00 a.m.]