



Volume 40 (2010)

Pennsylvania Bulletin
Repository

11-6-2010

November 6, 2010 (Pages 6377-6500)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2010

Recommended Citation

Pennsylvania Legislative Reference Bureau, "November 6, 2010 (Pages 6377-6500)" (2010). *Volume 40 (2010)*. 45.

https://digitalcommons.law.villanova.edu/pabulletin_2010/45

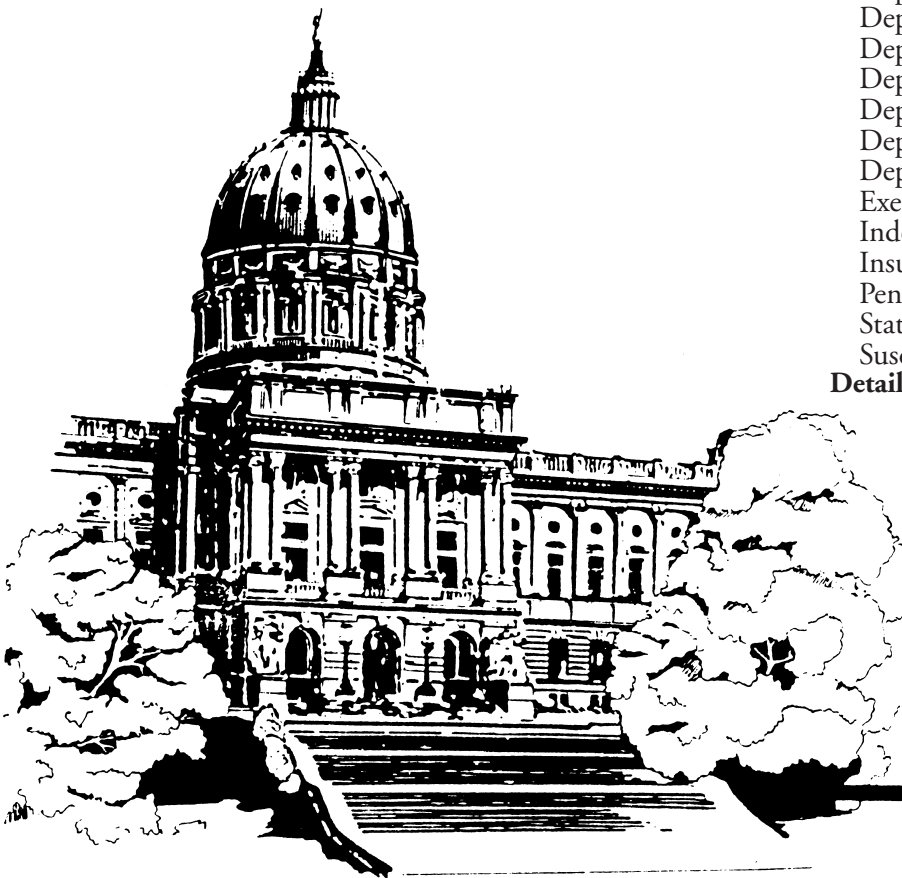
This November is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 40 (2010) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PENNSYLVANIA BULLETIN

Volume 40
Saturday, November 6, 2010 • Harrisburg, PA
Number 45
Pages 6377—6500

Agencies in this issue

The Courts
Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Revenue
Department of Transportation
Executive Board
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Board of Education
Susquehanna River Basin Commission
Detailed list of contents appears inside.



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

No. 432, November 2010

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2010 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

APPELLATE PROCEDURE

- Amendments to commonwealth court internal operating procedures 6388
 Amendments to the internal operating procedures of the supreme court; no. 348 judicial administration doc. 6387

JUDICIAL SYSTEM GENERAL PROVISIONS

- Amendments to the rules of disciplinary enforcement relating to discipline on consent 6387

LOCAL COURT RULES

Indiana County

- Public access policy for Magisterial District Judges, 40th judicial district of Pennsylvania; no.: AD 4 2010 6397

PHILADELPHIA RULES

Philadelphia County

- The Abandoned and Blighted Property Conservatorship Act; general court regulation no. 2009-01 6390

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

- Actions on applications (2 documents) 6416, 6417

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

- Consolidated plan public hearing notice and Pennsylvania Housing Advisory Committee meeting 6418

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

- Conservation and Natural Resources Advisory Council Meeting 6419

DEPARTMENT OF EDUCATION

Notices

- Availability of 2010-2011 career and technical education equipment grants 6419

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Applications, actions and special notices 6420
 Availability of technical guidance 6482
 Bid opportunity 6483
 Residential Geothermal Loan Program 6483
 Technical Assistance Center for Small Water Systems Committee special meeting 6483

DEPARTMENT OF HEALTH

Notices

- Long-term care nursing facilities; requests for exception 6484

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Current Prevailing Wage Act debarments 6484
 Request for bids 6484

DEPARTMENT OF PUBLIC WELFARE

Proposed Rulemaking

- Participation review process for medical assistance nursing facilities 6405

Notices

- Additional class of payments to qualifying acute care general hospitals for obstetrical and neonatal intensive care services 6484
 Payments for burn center services 6485

DEPARTMENT OF REVENUE

Notices

- Pennsylvania Millionaire Raffle XI lottery game 6485

DEPARTMENT OF TRANSPORTATION

Notices

- Availability of local real estate tax reimbursement grants for taxes paid in 2010 6486
 Meetings scheduled 6486

EXECUTIVE BOARD

Statements of Policy

- Reorganization of the:
 Department of General Services 6413
 State Police 6413

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

- Action taken by the Commission 6487
 Notice of comments issued 6491

INSURANCE DEPARTMENT

Notices

- Aetna Health, Inc.; PPACA reform changes; applicability—individual advantage plans—for existing members; rate filing 6492
 Capital Blue Cross and Capital Advantage Insurance Company; Special Care—Individual Direct Pay Basic Hospitalization/Medical-Surgical Program; rate filing 6492
 John Hancock Life Insurance Company (USA); rate increase filing for several long-term care policies 6493

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

- Change in control 6493
 Service of notice of motor carrier applications 6493
 Transfer control 6495
 Transfer of control 6495

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

6380

STATE BOARD OF EDUCATION

Notices

Application of the Chester Upland School District to
be a member of the local sponsor of the Delaware
County Community College..... 6495

SUSQUEHANNA RIVER BASIN COMMISSION

Rules and Regulations

Review and approval of projects 6399

Notices

Projects approved for consumptive uses of water 6496

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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 2010.

1 Pa. Code (General Provisions)		301	5294, 5454
Proposed Rules		302	5294, 5454
1	4392	303	5294, 5454
4 Pa. Code (Administration)		305	5294, 5454
Adopted Rules		806	6399
1	8, 2513	808	6399
5	11, 398	Proposed Rules	
6	12, 212, 399, 3078, 4630, 4908	23	1635
7a	14, 16, 6071, 6074	77	4963
241	971	78	623, 3845, 4154
247	972, 973, 4926	86	2373, 2425
249	2015	87	2373
Proposed Rules		88	2373
249	3859	89	2373
Statements of Policy		90	2373
1	4287	92	847
9	888, 1406, 1926, 2135, 2287, 2979, 3361, 3672, 3866, 4394, 4650, 5476, 6154, 6413	92a	847
165	4396	93	2211, 2264, 5337
7 Pa. Code (Agriculture)		96	876
Proposed Rules		105	2211
143	3127	121	703, 5456
Statements of Policy		123	5456
28b	4304	127	703
10 Pa. Code (Banks and Banking)		129	420
Adopted Rules		139	5456
3	2939	208	1749, 3836
44	2940	250	1297
Statements of Policy		253	1379
47	3868	806	3860
49	3869	808	3860
12 Pa. Code (Commerce, Trade and Local Government)		901	1201, 4278
Adopted Rules		28 Pa. Code (Health and Safety)	
145	2421	Adopted Rules	
Proposed Rules		23	2747
36	5816	27	2747
Statements of Policy		211	5578
123	2772	31 Pa. Code (Insurance)	
22 Pa. Code (Education)		Proposed Rules	
Adopted Rules		84b	5066
4	240, 5903	84c	5069
405	2940	84d	5067
25 Pa. Code (Environmental Protection)		118a	4966
Adopted Rules		160	2976
92a	5767	34 Pa. Code (Labor and Industry)	
93	1734	Adopted Rules	
95	4835	13	4927
96	5790	125	5147
102	4861, 5294	Proposed Rules	
121	3328, 5571	61	2639
123	5571	63	5179
129	3328, 5132	65	2643
145	3346	37 Pa. Code (Law)	
252	1898	Adopted Rules	
261a	5139	93	2759
		40 Pa. Code (Liquor)	
		Adopted Rules	
		1	1149
		3	1149
		5	1149, 3494, 4254
		7	1149

11 1149
 13 1149
 17 1149

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

15 5808
 16 250
 18 250
 21 3944, 4755
 25 1404
 27 842
 29 5805
 31 3952, 4757
 33 1082, 2532
 35 4759
 36 3956, 4254
 39 3090, 3092
 40 6265
 41 2947
 47 5320
 48 5320
 49 5320

Proposed Rules

5 1641, 2128
 6 3041
 15 623
 16 884, 2652
 18 884, 2652
 20 2428
 21 2276
 25 2660
 29 440
 31 4154, 4970
 35 2281, 5195
 43b 2263, 2423, 5175
 47 2131
 48 2131
 49 2131

Statements of Policy

5 1534
 43b 5478

51 Pa. Code (Public Officers)

Adopted Rules

53 3825

52 Pa. Code (Public Utilities)

Adopted Rules

63 4254

Proposed Rules

23 1531
 54 1763, 1764, 2267, 3669
 57 1203, 1635
 59 1203
 62 1764
 63 5819
 64 3499
 65 1203
 67 1203
 76 1764

Statements of Policy

69 1210, 2289, 2443, 2668, 5586, 6157

55 Pa. Code (Public Welfare)

Adopted Rules

108 2762
 187 2762

501 29
 2380 4935
 2390 4935
 2800 4073
 6400 4935
 6500 4935

Proposed Rules

23 6109
 165 2111
 1187 6405
 1189 6405
 3270 3527
 3280 3527
 3290 3527
 3800 6109
 5230 6101
 5310 6109

Statement of Policy

1101 3963
 1102 3963
 1121 3963
 1123 3963
 1149 3963
 1151 3963
 1153 1644
 1163 3963
 1181 3963
 1187 1766, 3963
 1230 3963
 1243 3963
 2380 1644
 2390 4974
 2600 1411, 5345
 5200 1644
 5210 1644
 6400 1644
 6500 1644

58 Pa. Code (Recreation)

Adopted Rules

61 254, 3663
 65 3663
 69 6082
 73 257
 75 620, 1500, 3664
 79 1500
 111 1503
 131 4386
 135 3095
 137 1736
 139 3096, 5454
 141 1737, 3103, 3105, 3106, 3107, 4387, 4388
 143 3107, 3108
 147 1739, 3109
 401a 2533, 4761, 6083
 405a 6083
 427a 6083
 429a 6083
 431a 6083
 434a 2533
 435a 975, 1082, 2535, 4761, 6083, 6094
 437a 975, 6083
 438a 2533
 440a 6083
 441a 2533, 6083
 451a 6083
 461a 1082, 2535
 463a 1082

465a 416, 1082, 2535, 6083
 467a 2535
 481a 6083
 491a 254
 501a 1082, 2535
 521 985, 1156, 1740, 2088, 2539, 3509, 5167
 523 2088, 3109, 3827, 5167, 6095
 524 2544
 525 2539, 2953, 3116, 3827, 5167
 526 3511, 6095
 527 1156
 528 1740
 529 844, 3109
 531 985
 533 985
 535 1504, 1911, 2959, 3109, 3827
 537 985, 2088, 3827
 539 1740
 541 1504, 2959, 3827, 5167
 543 1504, 2959, 3827, 5167
 545 1504, 2959, 3827, 5167
 549 985, 2959, 3827, 5167, 5581, 6095
 551 1504, 2959, 3827, 5167
 553 1156, 2959, 3827, 5167
 555 1156, 2959, 3827, 5167
 557 1156, 2959, 3827, 5167
 559 1156, 2959, 3827, 5167
 561 1156, 2959, 3109, 3827, 5167, 5581
 563 1156, 2959, 3827, 5167
 565 1156, 2959, 3827, 5167
 567 1911, 2959, 3827, 5167
 569 3519

Proposed Rules

51 6151
 61 427, 3669
 65 427
 69 1530
 71 6152
 75 429
 131 3126
 135 1755
 139 1756, 4390
 141 1750, 1752, 1753, 1754, 3123, 3124
 143 1749, 1754
 147 1761, 4391
 401a 5468
 421a 5468
 433a 434
 439a 5468
 440a 5468
 441a 5468
 451a 5468
 465a 5468
 481a 5468
 501a 5468
 503a 5468

61 Pa. Code (Revenue)

Adopted Rules

53 1746
 151 3356
 153 3356

Proposed Rules

117 3122
 119 1916

67 Pa. Code (Transportation)

Adopted Rules

71 5809
 83 5813
 229 2017
 231 2106, 2262
 233 6267
 471 6273
 473 6273
 477 6273
 479 6273

201 Pa. Code (Judicial Administration)

Adopted Rules

7 19
 19 218

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

81 5128
 83 513, 1892, 4633, 5292
 87 700
 89 700
 93 700
 213 513
 221 1997

Proposed Rules

81 2516
 83 1066, 5062, 6387

207 Pa. Code (Judicial Conduct)

Proposed Rules

51 5561

210 Pa. Code (Appellate Procedure)

Adopted Rules

63 6387
 65 6078
 67 6388
 101 5900

Proposed Rules

3 3659
 15 2393
 19 2741

225 Pa. Code (Rules of Evidence)

Proposed Rules

ART. I 3325

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 19, 518, 1395, 1490
 1000 1395
 1910 413, 586, 4140, 4634
 1915 3492, 4140, 4634
 1920 4140
 3000 19, 700, 2243, 4635

Proposed Rules

200 2242, 6259
 3000 413, 1892

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1396
 2 1397
 5 1068, 1397, 5900
 10 1068, 2012

Proposed Rules

1 2397, 2517, 2519, 4143, 4636
 2 2394

4 2519
5 21, 4636
8 2397
9 4147
10 4150
11 4143

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 222, 518
2 222
3 222, 1073
4 222
5 222, 518
8 1073
11 222, 518
13 222
16 21

Proposed Rules

1 2245, 4742, 4910, 5562
2 4646
3 4646, 4742
4 4910
8 4742, 4910
11 2245
15 2245
16 2245

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 1146

Proposed Rules

300 5566
500 522, 5566

249 Pa. Code (Philadelphia Rules)

Unclassified 237, 1075, 1629, 1730, 2013, 3326, 4917,
6390

252 Pa. Code (Allegheny County Rules)

Unclassified 838, 1399, 2934

255 Pa. Code (Local Court Rules)

Unclassified 23, 24, 237, 238, 414, 415, 523, 701,
702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490,
1498, 1629, 1630, 1632, 1633, 1730, 1731, 1732,
1733, 1893, 1896, 1897, 2014, 2254, 2257, 2414,
2416, 2418, 2419, 2420, 2531, 2635, 2636, 2742,
2743, 2745, 2934, 2935, 2938, 3083, 3087, 3089,
3327, 3493, 3661, 3822, 3823, 3824, 3943, 4153,
4248, 4249, 4250, 4251, 4384, 4648, 4745, 4749,
4752, 4754, 4918, 4923, 4924, 5063, 5064, 5065,
5128, 5129, 5130, 5293, 5453, 5567, 5568, 5569,
5570, 5762, 5764, 6079, 6080, 6259, 6260,
6261, 6262, 6397

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendments to the Rules of Disciplinary Enforcement Relating to Discipline on Consent

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that the Court amend subsection (c) of Pennsylvania Rule of Disciplinary Enforcement 215 as set forth in Annex A.

Prior to October 2005, the resignation statement required by Rule 215 was, with limited exception as enumerated in subsection (c) of the Rule, confidential and could not be publicly disclosed. The only public record of the respondent-attorney's resignation from the bar was the Court's order disbarring the respondent-attorney on consent.

By Order dated October 26, 2005, the Court made extensive changes to the Enforcement Rules to give the public greater access to disciplinary information. The Court amended Rule 402 to provide that all disciplinary proceedings be open to the public after the filing of an answer to a petition for discipline or the time to file an answer has expired without an answer being filed, and simultaneously amended subsection (c) of Rule 215 to provide that the resignation statement would be confidential only if the statement were submitted before the filing of an answer to a petition for discipline or the time to file an answer has expired.

The current proposal provides additional transparency by making a resignation statement a public record upon entry of the Court's order disbarring the respondent-attorney on consent, regardless of the timing of the submission of the statement.

New Rule 215(c) would have prospective effect, in that the new rule would apply only to resignation statements submitted to the Board and the Court on or after the effective date of the new rule.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382) on or before December 10, 2010.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 215. Discipline on consent.

* * * * *

(c) [*Confidentiality of resignation statement.* The order disbarring the attorney on consent shall be a matter of public record. If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

- (1) upon order of the Supreme Court,
- (2) pursuant to an express written waiver by the attorney,
- (3) upon a request of another jurisdiction for purposes of a reciprocal disciplinary proceeding,
- (4) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board), or

(5) when the resignation is based on an order of temporary suspension from the practice of law entered by the Court either pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief) or pursuant to Enforcement Rule 214 (relating to attorneys convicted of crimes).] *Resignation statement.* Upon entry of the order disbarring the attorney on consent, both the order and the resignation statement shall be a matter of public record.

* * * * *

[Pa.B. Doc. No. 10-2094. Filed for public inspection November 5, 2010, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 63]

Amendments to the Internal Operating Procedures of the Supreme Court; No. 348 Judicial Administration Doc.

Order

Per Curiam

And Now, this 25th day of October, 2010, it is ordered that the Internal Operating Procedures of the Supreme Court are amended in Section 10 as set forth in Annex A.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

§ 63.10. Certification of Questions of Law.

* * * * *

C. Assignment and Disposition. The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;
2. Establish a briefing schedule;
3. If oral argument is granted, list the matter for oral argument; and
4. Take such further action as this Court directs.

After certification is accepted, an *amicus curiae* brief may be submitted without prior leave of Court. Such briefs shall be filed and served in the manner and within the time directed by the Prothonotary.

D. Reconsideration. A vote of the majority is required to grant reconsideration.

Rules Regarding Certification of Questions of Pennsylvania Law

The Pennsylvania Supreme Court, by Order of Jan. 12, 2000, 30 Pa.B. 519, provided that:

1. Any of the following courts may file a Certification Petition with this Court:
 - a. The United States Supreme Court; or
 - b. Any United States Court of Appeals.
2. A court may file a Certification Petition either on the motion of a party or sua sponte.
3. A Certification Petition shall contain the following:
 - a. A brief statement of the nature and stage of the proceedings in the petitioning court;
 - b. A brief statement of the material facts of the case;
 - c. A statement of the question or questions of Pennsylvania law to be determined;
 - d. A statement of the particular reasons why this Court should accept certification; and
 - e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.
 - f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

[Pa.B. Doc. No. 10-2095. Filed for public inspection November 5, 2010, 9:00 a.m.]

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendment to Commonwealth Court Internal Operating Procedures

The Commonwealth Court has amended multiple sections of its Internal Operating Procedures. Effective January 1, 2011, there is a change in the status of unreported panel decisions; Internal Operating Procedure (IOP) section 67.55 is revised to permit a party to also cite an unreported panel decision issued after January 15, 2008 for its persuasive value but not as binding precedent. Revised section 67.13, authorizes the Chief Clerk to grant a 30-day extension of time for a petitioner to perfect an appellate petition for review, effective immediately. The changes to sections 67.6, 67.9, 67.11, 67.14, 67.16, 67.21, 67.22, 67.35, 67.42, 67.45, 67.47 and 67.53, also effectively immediately, revise the IOPs to recognize changes in staff assignments.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. COMMONWEALTH COURT

Subchapter A. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT GENERAL PROVISIONS

§ 67.6. Duty Rosters; Availability.

Each duty judge shall be present or available in Harrisburg throughout the week and shall make the [**executive administrator or the**] prothonotary and chief clerk aware of where he or she can be reached when not at the [**South Office Building**] **Pennsylvania Judicial Center** during regular hours. The duty judge shall be in charge of making administrative decisions when the president judge is not available by telephone communication, but the president judge shall be consulted if major decision making is required.

§ 67.9. Emergency Applications.

[(a)] **1.** An emergency application is defined as an application filed during non-business hours, including holidays and weekends. Filing of emergency applications outside of normal business hours will be allowed only when both of the following conditions are present:

[(1)] **(a)** The application will be moot unless a ruling is obtained prior to noon of the next business day; and

[(2)] **(b)** The application is being filed within two business days of the filing of the order sought to be reviewed.

[(b)] **2. Contents of emergency applications.** An emergency application shall include the following:

[(1)] **(a)** An explanation of why an order of this Court is necessary, time sensitive and satisfies the threshold requirements set forth in (a)(1)—(2);

[(2)] **(b)** An explanation of how service has been perfected upon the opposing party or, if service has not been made, a summary of the efforts to perfect service or explanation of why service is impossible or impracticable;

[(3)] **(c)** Unless already docketed with this Court, a stamped "filed" copy of the relevant common pleas court

order being appealed, as well as a copy of the notice of appeal that will be filed with this Court;

[(4)] (d) Unless already docketed with this Court, a copy of the relevant petition for review, whether addressed to this Court's appellate or original jurisdiction;

[(5)] (e) The appropriate filing fee or a sufficient pauper's affidavit.

[(c)] 3. Each duty judge shall be available from 12:01 a.m. on the Monday commencing his or her duty week and remain available until 12:00 midnight on the Sunday concluding the duty week. The duty judge shall be available in Harrisburg Monday through Friday or shall advise the [**executive administrator,**] prothonotary [**or**] and chief clerk of a telephone number at which he or she may be reached when not present in the Court's Harrisburg offices. The assigned duty judge shall make decisions in all emergency applications.

[(d)] 4. The filing of an emergency application should be made by contacting this Court's prothonotary, the chief clerk, [**the executive administrator**] or a deputy prothonotary who will accept the papers by the most expeditious means available, including fax or e-mail attachment, and assign the matter a docket number, if needed.

[(1)] (a) The Court officer accepting the filing shall contact the emergency judge to make arrangements for consideration and disposition of the emergency application.

[(2)] (b) If the duty week judge is not available, the emergency application shall be referred to the president judge and then to the associate judges in descending order of seniority, if the president judge is not available.

[(3)] (c) The telephone number of the court officer accepting the filing of emergency applications shall be made available through the Court's after hours telephone message system (717-255-1600 or 717-649-5153).

APPELLATE JURISDICTION

§ 67.11. Permission to Appeal; Interlocutory Orders.

The [**executive administrator or the**] prothonotary shall present each petition for permission to appeal, together with opposing briefs and any recommendation, to the duty judge for appropriate action. In the absence of a recommendation by the prothonotary, the disposition of such petitions shall follow the procedure for petitions for reargument, stated in § 67.35 [**(relating to rearguments; petitions for rearguments)**].

§ 67.13. Petition for Review; Clarification.

[(a) Upon receipt by] When the chief clerk [**from a pro se party of**] receives a written communication [**which**] that evidences an intention to appeal an adjudication of a state administrative agency but does not conform to the rules for an appellate petition for review, the chief clerk shall [**timestamp**] time-stamp the [**writing**] written communication with the date of receipt. The chief clerk shall advise the party by letter[:] (1) [**As to**] of the procedures necessary to perfect the appeal[.] and (2) [**That**] that the date of receipt of the [**pro se**] communication will be preserved as the date of filing of the appeal[, on condition] if that [**the**] party files a [**proper**] fully

conforming petition for review within 30 days of the date of the chief clerk's letter [**from the chief clerk**]. If the party fails to file a [**proper**] fully conforming petition for review within that period, the chief clerk shall advise the party by letter that the court will take no further action in the matter.

[(b) Upon receipt by the chief clerk of a notice of appeal in cases in which a petition for review is the proper appeal document, the chief clerk shall time-stamp the notice of appeal with the date of receipt and the court shall forthwith enter an order giving the party 30 days to file a petition for review and indicating that the failure to do so will result in the dismissal of the appeal.]

§ 67.14. Preargument Matters; Applications, Motions and Petitions.

The chief clerk shall promptly, after filing, submit preargument applications, motions and petitions requiring consideration by a judge to the [**executive administrator or the**] prothonotary. The [**executive administrator or the**] prothonotary shall daily confer with the president judge or the duty judge on such matters, who shall act by order granting or denying the relief or remedy sought, directing the matter to be decided on submitted briefs, or listing the matter for argument before, or in conjunction with, argument on the merits of the appeal. When required by law or rule, the judge shall defer acting upon the matter pending filing of an answer or until the time for answer has expired.

§ 67.16. Preargument Matters; Extensions of Time.

[(a)] The chief clerk may grant a written request for an extension of time to file briefs, or to file the reproduced record, where the requested extension is[:] (1) [**For 30**] for thirty days or less[.], (2) [**The**] the first one sought[.], and (3) [**Unopposed**] unopposed by all other parties. [(b)] If any of the three enumerated requirements does not exist, the party shall submit the request by formal application upon which the [**executive administrator,**] prothonotary, chief clerk or deputy prothonotary [**for law**] may act for the court.

§ 67.21. Arguments; Preparation of Lists.

To aid the president judge in the allocation of cases to be heard by the court en banc or by panels, the chief clerk shall submit an analysis of the procedural posture and issues raised in each case ready for argument. The [**executive administrator or the**] prothonotary shall review the list of cases, and present to the president judge recommendations as to cases on the list to be heard by the court en banc or by a panel. The president judge shall review the proposed argument list and make any changes deemed necessary. As approved or as modified by the president judge, the chief clerk shall proceed to publish the argument list and give notice to litigants. The argument list as published shall disclose a day certain for argument of each case listed.

§ 67.22. Arguments; Number of Cases.

The president judge[, the executive administrator], the prothonotary and the chief clerk shall determine the number of cases to be listed at a regular argument session before the court en banc and before panels, on the basis of expediting the disposition of cases ready for argument, to the maximum extent feasible.

§ 67.35. Rearguments; Petitions for Reargument.

The president judge shall distribute petitions for reargument and answers to them, involving cases decided by a panel of the court or the court en banc, to all judges of the court. After consideration pursuant to such circulation, the vote of the majority of the commissioned judges of the court to grant or deny the petition for reargument shall govern, although comments from the court's senior judges shall be solicited. Where a party files a petition for reargument of an order issued by a single judge, [**the executive administrator or**] the prothonotary shall submit the petition, together with any answer, to that judge for disposition.

ORIGINAL JURISDICTION

§ 67.42. Pretrial Matters; Applications, Motions, Petitions and Praecipes.

The chief clerk shall promptly, after filing papers in original jurisdiction cases, submit pretrial applications, praecipes for trial after a case is at issue, petitions for summary judgment or for judgment on the pleadings, statutory enforcement proceedings requiring a hearing before a judge, praecipes for hearing in matters under Pa.R.A.P. 1571, and all other motions and matters requiring the consideration of a judge before trial or argument on the merits, to the [**executive administrator or the**] prothonotary, who shall, on a daily basis, confer with the president judge or duty judge on such matters. Depending upon the nature of the matter, the president judge or the duty judge shall by order set the matter down for evidentiary hearing or formal trial, for argument before a single judge in cases in which a single judge may dispose of the matter, for argument before the court en banc or a panel, or for other disposition consistent with the applicable [**provisions of this title**] **Rules of Appellate Procedure** or [**231 Pa. Code (relating to)**] **Rules of Civil Procedure**[] .

§ 67.45. Proceedings; Election Cases.

Proceedings under the Pennsylvania Election Code within the court's original jurisdiction (petitions for review in the nature of mandamus and objections to nomination petitions and papers) shall be under the direct supervision of the president judge, the [**executive administrator and the**] prothonotary **and the chief clerk**. The president judge, to dispose of such cases, shall establish a special election court schedule, assign judges to hear cases or, when necessary, convene a special court en banc or panel to hear the same promptly.

§ 67.47. Reconsideration; Petitions for Reconsideration.

When a party files a petition for reconsideration of an order issued by a single judge, [**the executive administrator or**] the prothonotary shall submit the petition, together with any answer, to the judge for action, in accordance with Pa.R.A.P. 123(e).

DECISIONS

§ 67.53. Reporting of Opinions; Determination as to Reporting.

[**A. Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge's recommendation as to whether the opinion should be reported. A decision generally should be reported when it:**

1. establishes a new rule of law;
2. applies an existing rule of law to facts significantly different than those stated in prior decisions;
3. modifies or criticizes an existing rule of law;
4. resolves an apparent conflict of authority;
5. involves a legal issue of continuing public interest; or
6. constitutes a significant, non-duplicative contribution to law because it contains:
 - (a) an historical review of the law,
 - (b) a review of legislative history,
 - (c) a review of conflicting decisions among the courts of other jurisdictions.

B. The recommendation shall govern the determination as to reporting, unless a majority of the commissioned members of the court disagree with it.] Opinions of a single judge shall be filed but not reported unless, because of the unique character of the case, the [**executive administrator, the**] prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the commissioned members of the court shall concur with the recommendation.

§ 67.55. [Reporting of] Citing Judicial Opinions[; Certain Decisions not to be Cited] .

[**Unreported opinions of this court shall not be cited in any opinion of this court or in any brief or argument addressed to it, except that such**] **An unreported opinion of this court may be cited and relied upon [or cited] when it is relevant under the doctrine of law of the case, res judicata or collateral estoppel. [When] Parties may also cite an unreported [memorandum opinion is relied upon pursuant to this rule, a copy of the memorandum must be attached to the brief] panel decision of this court issued after January 15, 2008, for its persuasive value, but not as binding precedent.** A single-judge opinion of this court, even if reported, shall be cited only for its persuasive value, not as a binding precedent. [**This rule shall be effective retroactively, so as to apply to opinions filed before the effective date of this section, as well as to opinions filed in the future.]**

[Pa.B. Doc. No. 10-2096. Filed for public inspection November 5, 2010, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

The Abandoned and Blighted Property Conservatorship Act; General Court Regulation No. 2009-01

Consistent with the opinion issued by the Commonwealth Court in the case captioned *In re: a Conservatorship Proceeding IN REM by the Germantown Conser-*

vancy, Inc., 995 A.2d 451 (Pa. Commw. 2010), effective immediately, General Court Regulation No. 2009-01 is amended to read as follows:

On November 26, 2008, the Governor signed Act 135, known as The Abandoned and Blighted Property Conservatorship Act, which became effective on February 24, 2009. The Act provides a mechanism to transform abandoned and blighted properties into productive reuse by authorizing the filing of a petition with the Court of Common Pleas by certain named interested parties seeking the appointment of a Conservator who will be authorized to take possession of the property, undertake its rehabilitation and, as appropriate, ultimately sell the premises unless reclaimed by the owner(s).

In light of the important rights of the various interested parties involved in such an action, the Court adopts this General Court Regulation to provide detailed procedural guidance in the filing and processing of petitions filed pursuant to Act 135, which has been codified in 68 P. S. § 1101 et seq.

1) *Initiation of Action.* Actions filed pursuant to Act 135 involving abandoned and blighted properties located in Philadelphia County are “*in rem*” proceedings and as such shall be commenced by the electronic filing of a Petition for the Appointment of a Conservator (as a “Petition Action”) with the Prothonotary of Philadelphia County as provided in Philadelphia Civil Rule *205.4 in the Court of Common Pleas, Trial Division—Civil, and the requisite filing fee shall be paid at the time of the filing of the petition. A separate action must be filed for each property that has a specific Board of Revision of Taxes (“BRT”) number. The Petition for the Appointment of a Conservator shall be substantially in the format attached hereto as Attachment “A.” Upon filing, if it appears that the owner of the property at issue is a person or entity over whom the Philadelphia Orphans’ Court Division has jurisdiction, the action shall be administratively assigned to a Judge of the Orphans’ Court Division, designated by the Administrative Judge of the Orphans’ Court Division; however all legal papers shall continue to be filed through the Civil Electronic Filing System in the Civil Trial Division.

2) *Petitioner.* The petition may be filed by an eligible “party in interest” as defined in Section 1103 of the Act.

3) *Conservator.* The petitioner must establish that the proposed Conservator is entitled to appointment pursuant to the Act. Moreover, a nonprofit corporation wishing to serve as Conservator should attach to the Petition a Certification to Serve as Conservator, certifying, *inter alia*, whether the Internal Revenue Service has granted the nonprofit corporation tax exempt non-profit status under § 501(c)(3) of the Internal Revenue Code; that the nonprofit corporation is located in Philadelphia; that the nonprofit corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State; that the nonprofit has participated in a project within a one-mile radius of the property; and that the nonprofit corporation has passed a resolution authorizing the filing of the Petition for the Appointment of a Conservator and, if the nonprofit corporation is named as the proposed Conservator, that the nonprofit corporation has passed a resolution authorizing its acceptance of a court appointment as Conservator for the specific property or properties at issue and is authorized to perform all of the duties required of a Conservator.

4) *Respondent(s).* The petitioner must name as Respondent the “owner” of the property at issue, who is defined in Section 1103 of the Act as “The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.” In light of the above definition, the petitioner should undertake a substantial examination of the public record to determine all parties who may be deemed to be an owner—and not merely rely on the last recorded deed. For instance, one of the named “owners” on the deed may be deceased, and if so, the petitioner should name as “owners” decedent’s heirs (or the decedent’s estate).

5) *Lienholders.* The petitioner must identify all lienholders and other secured creditors of the owners (including judgment creditors as may be disclosed in a judgment search or title report), as well as their address, both in the body of the petition and in relevant screens of the Civil Electronic Filing System to facilitate a determination of whether they were served with the required notices of the pendency and status of proceedings as may be applicable.

6) *Identification of the Abandoned and Blighted Property.* The petitioner shall provide the street address of the property at issue with the zip code and extended zip code, if available, and shall provide the Philadelphia Board of Revision of Taxes Account Number (“BRT #”).

7) *Content of the Petition.* The petition shall be in a form substantially as attached hereto as Attachment “A,” shall comply with Section 1104 (b) and must provide detail and documentation to support the allegations contained in the Petition. Where applicable and available, the petition should be accompanied by the following evidence, whether through affidavits, exhibits, or detailed averments within the petition itself:

a) A copy of the title report;

b) A copy of deed or other documentation, showing that neither the building or land is owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act;

c) Proof that the owner is not in the armed services (either from the Military website or with letters from all five branches of the military confirming that the owner is not on active duty);

d) A copy of citations showing violations of municipal code or declaration of the building to be a public nuisance, as provided in Section 1104(b)(1);

e) A copy of citations declaring building a public nuisance, as provided in Section 1104(b)(1);

f) Preliminary Plan with initial cost estimates, as provided in Section 1104(b)(3);

g) Evidence that the building has not been legally occupied for the previous 12 months, as provided in Section 1105(d)(1);

h) Evidence that the building has not been “actively marketed” in the last 60 days, as provided in Section 1105(d)(2). As provided in Section 1103, that might include, evidence of the following:

(1) That a “For Sale” sign is not placed on the property (a photograph of the premises showing that it does not have a “For Sale” sign must be attached);

(2) For a residential property, a printout from www.realtor.com, or other proof, that it is not listed on the Multiple Listing Service. For commercial property, an Affidavit setting forth the efforts made to determine whether the commercial property has been listed with realtors in the immediate neighborhood;

(3) That there have not been weekly or more frequent advertisements in print or electronic media. The petitioner must attach an Affidavit stating which papers have searched which reveals that there is no evidence that the property has been listed for sale during the last sixty (60) days; and

(4) An Affidavit from one or more neighbors regarding their knowledge that no printed advertisements have been distributed within the last sixty (60) days.

i) Evidence that the building is not subject to an existing foreclosure action as required by Section 1105(d)(3). The Petitioner must determine the name of the owner from Philadox and then search the Court of Common Pleas docket using the name of the owner to determine whether a foreclosure action has been filed.

j) Evidence from Philadox that the owner has not acquired the building within the last six months as required by Section 1105(d)(4).

k) A sworn statement that, to the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in Section 1105(d).

8) *Notice of Filing of a Petition to Appoint a Conservator.* The petitioner shall attach to the Petition for the Appointment of a Conservator a Notice of the Filing of a Petition for the Appointment of a Conservator, substantially as attached hereto as Attachment "B."

9) *Order for Rule to Show Cause. Lis Pendens.* The petitioner shall attach an Order for Rule to Show Cause, substantially as attached hereto as Attachment "C," and shall file a Lis Pendens, substantially as attached hereto as Attachment "D," with the City of Philadelphia Department of Records and a copy thereof with the Prothonotary.

10) *Review of the Petition. Issuance of an Order for Rule to Show Cause scheduling a Hearing.* A petitioner has an absolute right to a hearing if it establishes that the conservatorship is not statutorily barred. The court may deny the Petition for the Appointment of a Conservator if it appears that a prima facie entitlement to a hearing on the appointment of a conservator is not established via documents or detailed averments attached to or included in the Petition. The Court will issue an Order for Rule to Show Cause if a prima facie entitlement to the appointment of a conservator has been established, but the issue of entitlement to the appointment of a conservator will not be finally determined until after the hearing required by Section 1105 is held.

11) *Posting of the Notice of the Filing of a Petition to Appoint a Conservator.* The Petitioner shall post the Notice of the Filing of a Petition for the Appointment of a Conservator on the premises as may be required by the Court in the Order for Rule to Show Cause.

12) *Service of the Petition to Appoint a Conservator. Notice of the filing of the Petition to Appoint a Conservator.* Upon issuance of an Order for Rule to Show Cause, the petitioner shall:

a) serve a copy of the Notice, Petition for the Appointment of a Conservator and all exhibits on the owner(s) as required by Pa.R.C.P. No. 400.1 and shall file a return of service as soon as possible upon service;

b) mail a copy of the Notice, Petition for the Appointment of a Conservator and all exhibits by registered or certified mail on the City of Philadelphia as provided in Section 1103 at the following address: c/o City Solicitor, 1515 Arch Street, Philadelphia, PA (or any other address designated from time to time by the City of Philadelphia) and shall file a return of service as soon as possible upon service. At petitioner's discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1; and

c) mail a copy of the Notice, Petition for the Appointment of a Conservator and exhibits on all lienholders (including judgment creditors) and other secured creditor(s) of the owner(s), as identified in the Petition for the Appointment of a Conservator, by registered or certified mail, to their last known address, as provided in Section 1103 and shall file a return of service as soon as possible upon service. At petitioner's discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1.

13) *Response Period. Petition to Intervene.* The record owners, lienholders and other secured creditors of the record owner(s), and other parties in interest may file an answer or other responsive pleading, or petition to intervene as may be provided by the Court in the Order to Show Cause.

14) *Hearing.* A hearing on the Petition for the Appointment of a Conservator will be held on a date certain within 120 days of the filing of the petition as required by Section 1105. On the hearing date:

a) The Petitioner must produce evidence that the property meets at least three of the following requirements for conservatorship:

(1) that the City of Philadelphia has declared the building to be a public nuisance, as provided in Section 1105(d)(5)(i);

(2) that no permits for rehabilitation work have been issued in the past 12 months, and that the building is in "need of substantial rehabilitation" as established by photos or affidavits of persons with knowledge based on exterior or interior inspections, as provided in Section 1105(d)(5)(ii);

(3) documentation, photos or affidavits of persons with knowledge establishing that the building is unfit for human habitation, occupancy, or use, as provided in Section 1105(d)(5)(iii);

(4) documentation showing that the building increases the risk of fire to adjacent properties. If there have previously been fires in the property, must attach proof from the Fire Department or an affidavit from neighbors, as provided in Section 1105(d)(5)(iv);

(5) documentation showing that unauthorized entry is possible. If petitioner is claiming that the City of Philadelphia has secured the building, attach proof from the City to this effect, as provided in Section 1105(d)(5)(v);

(6) photos showing that the conditions are an attractive nuisance to children. If possible, attach an affidavit from a neighbor showing that children have been illegally entering the property as required by Section 1105(d)(5)(vi);

(7) code citations that address the presence of vermin, debris, uncut vegetation and deterioration of the structure or grounds. If no code citations, then attach photos and affidavits from neighbors, community groups, and/or others knowledgeable about the property which address conditions as required by Section 1105(d)(5)(vii);

(8) photos of the property being proposed for conservatorship, as well as photos of the neighboring properties on both sides of the block. This will allow the Court to understand the effect the blighted property has had on the economic well-being of the community as required by Section 1105(d)(5)(viii); or

(9) police reports showing that police have been called about illicit activity at property. If no police reports, then affidavits from neighbors, community groups, and/or others knowledgeable about the property can be used as required by Section 1105(d)(5)(ix).

b) any party in interest who has filed the appropriate answer or other responsive pleading, or petition to intervene shall be permitted to present evidence to support or contest the petition.

c) For good cause shown, the Court may permit a party in interest who has not filed the required answer or other responsive pleading, or petition to intervene to do so, and the hearing may be postponed as appropriate.

15) *Order Granting Request for Period to Abate Nuisance.* Within 30 days after the hearing, the Court may enter an order, as appropriate, providing the owner a reasonable period of time to abate and remedy the violations or nuisance which gave rise to the filing of the petition, as provided in Section 1105(f)(1).

16) *Order Appointing a Conservator.* Within 30 days after the hearing, the Court may enter an order, as appropriate, appointing a Conservator. If a Conservator is appointed, the order shall set forth in detail the powers, duties and obligations of the Conservator including requirements which must be met before the Conservator may exercise any authorized powers and duties, such as securing any necessary bond and/or insurance. The Court may also require the Conservator, and any other parties who must enter the premises to assist with the preparation of the Final Plan, to execute Right of Entry Authorizations and provide such Certificates of Additional Insurance as may be required by the Court

17) *Filing of Final Plan.* The Conservator shall file a Final Plan for Abatement on or before the date established in the court order appointing the Conservator. The Final Plan must fully comply with Section 1106(b), shall specifically set forth the Scope of Work to be performed, and shall set forth in detail the financing for the costs of rehabilitation and other relevant terms, including whether the Court is requested to grant a lien or security interest with priority, as provided in Section 1108 (b), to facilitate the borrowing of funds to rehabilitate or demolish the property. The Conservator may not enter into any binding agreement concerning the financing until the financing is approved by the Court.

18) *Hearing and Approval of Final Plan.* Upon receipt of the Final Plan for Abatement, the court shall issue a scheduling order which will provide whether the Conservator must serve on the owner of the Property and/or lienholders and/or other secured creditors of the owner the scheduling order and Final Plan, or only a Notice of

the filing of the Final Plan and the scheduling of a hearing thereon, and that comments to the Final Plan must be filed before the hearing date, or presented on the day of the hearing. After the hearing, the Court must approve the Final Plan or require that it be amended, and if the Court orders the Plan to be amended, the Court shall schedule a subsequent hearing for approval of the Final Plan. Once the Final Plan is approved, no changes may be made unless authorized by the Court after the filing of a petition.

19) *Status Reports.* From time to time, the Court may request status reports from the Conservator.

20) *Filing of an Account.* Upon conclusion of the rehabilitation or demolition, the Conservator shall file a full Account of all funds expended by the Conservator. The Account shall include a summary of actions taken by the Conservator, and a detailed report verifying that each of the items in the Scope of Work approved by the Court was in fact completed, and if not completed, the Conservator must provide sufficient justification for not completing any of the items.

21) *Sale of Property at Issue. Distribution of Proceeds.* The Conservator may, upon petition, seek the sale of the property at public or private sale as provided in Section 1109. The reasons for seeking the sale of the Property must be set forth in detail, together with the proposed terms of the sale and estimated proceeds and distribution. The Court will issue a scheduling order and the Conservator must serve the scheduling order and petition on the owner, lienholders and other secured creditors of the owner. After the hearing, the Court may issue an order authorizing the sale of the premises and further authorizing the Conservator or the Prothonotary to execute the deed conveying title to the purchaser. The proceeds of the sale shall be applied and distributed as set forth in Section 1109.

22) *Termination of Conservatorship.* The Court may terminate the conservatorship as required by Section 1110.

23) *Appointment of Master-Judge Pro Tem.* At any time, the Court may appoint a master-judge pro tem to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge pro tem must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

This General Court Regulation is issued pursuant to The Abandoned and Blighted Property Conservatorship Act, 68 P.S. § 1101 et seq. and shall become effective immediately. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and to the Civil Procedural Rules Committee. Copies of the General Court Regulation will be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

nia, and posted on the web site of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

By the Court

PAMELA PRYOR DEMBE,
President Judge

ATTACHMENT "A"

Court of Common Pleas

(By: Attorney
Bar No.
Email Address
Firm Name
Street Address
Telephone Number)

**THIS IS NOT AN ARBITRATION
MATTER. AN ASSESSMENT OF
DAMAGES HEARING IS NOT
REQUIRED.**

(Petitioner) :
: COURT OF COMMON
: PLEAS
Petitioner, :
: PHILADELPHIA
: COUNTY
: CIVIL TRIAL DIVISION
v. :
: _____ TERM, 20____
(Owner(s) of Property at :
Issue) :
Respondent(s) : No.: _____

**PETITION FOR THE APPOINTMENT OF A
CONSERVATOR**

Petitioner, _____, by and through counsel, respectfully petitions this Court to appoint a conservator to take possession and to undertake the rehabilitation of certain property, and in support thereof avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to the Abandoned and Blighted Property Conservatorship Act, P. L. 1672, No. 135, 68 P. S. § 1101 et seq. (2008) (the "Act").

2. The Property is located in Philadelphia County, Pennsylvania and venue is pursuant to Section 1104(a) of the Act because the Property is located in Philadelphia County, Pennsylvania.

PROPERTY

3. The Property subject to this Petition is a (Residential/commercial/industrial) building located at:

_____, BRT No. _____
(the "Property"). A Copy of Deed is attached as Exhibit "A;" the Title Report is attached as Exhibit "B;" and the Legal Description is attached as Exhibit "C."

PETITIONER

4. Petitioner is (the owner) (a lienholder or other secured creditor of the owner) (a resident or business owner within 500 feet of the building) (a nonprofit corporation within the City and County of Philadelphia that has as one of its purposes to create and stimulate economic development while improving the quality of life for residents within the _____ community, where the Property is located), a party in interest, as defined by Section 1103 of the Act.

5. (Petitioner) has participated in the following projects (if proposed Conservator is a nonprofit corporation, add: within a one-mile radius of the Property):

(List in detail the qualifying projects petitioner has participated in.)

RESPONDENT

6. The Petitioner avers that the property is owned by _____ (the "Owner(s)"). The name of the record owner on the last recorded deed is:

(If the owner is an individual, describe efforts made by the Petitioner to identify the owner of the property and to determine whether the owner is deceased and if so, efforts to locate the deceased owner's heirs.)

(If the owner is a corporation or other legal entity, describe efforts made by the Petitioner to determine whether the corporation, partnership, fictitious entity or other business entity, its successors and/or assigns is/are active.)

7. The Owner has not vacated the Property to perform military service in time of war or armed conflict or in order to assist with relief efforts during a declared federal or state emergency as a member of the United States Armed Forces or reserve.

8. The Property is not held in trust for the federal government and regulated under the United States Housing Act of 1937, 50 Stat. 888, 42 U.S.C. § 1437 et. seq.

**LIENHOLDERS AND OTHER SECURED
CREDITORS**

9. Petitioner has identified the following lienholders and other secured creditors with a potential interest in the Property through an examination of the title report for the Property and any additional search or sources necessary to identify the lienholders and other secured creditors, their addresses, as well as the identities and addresses of any successors and/or assigns:

(List the name and address of all lienholders and other secured creditors or attach as exhibit).

See Title Report, Ex. "B," (include and attach other search or sources used to identify the lienholders and secured creditors):

CONDITIONS FOR CONSERVATORSHIP

10. The Property has not been legally occupied for at least twelve (12) months before the date of the filing of this Petition. (Add any relevant description.)

11. The Property has not been actively marketed during the sixty (60) days before the date of the filing of this Petition. (Describe efforts and attach relevant documents)

12. No "For Sale" sign has been placed on or in front of the Property during the sixty (60) days before the date of the filing of this Petition. (Describe efforts and attach relevant documents)

13. The Property has not been advertised as for sale through distributed print advertisements, print or electronic media, or through engagement of a real estate professional (for residential property add: to place the Property in a Multiple Listing Service or) to otherwise market the Property. (Add any relevant description.)

14. According to inspection of public records, the Property appears not to be subject to an existing foreclosure action.

15. According to inspection of public records, (Owner) has not acquired the Property within the preceding six (6) months prior to the date of the filing of this Petition.

16. To the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in Section 1105(d).

(Although not required at the pleading stage, it is suggested that, to the extent available, the petitioner attach documents or include specific factual averments establishing at least three (3) of the items set forth in Section 1105 (d)(5)).

PROPOSED CONSERVATOR

17. Petitioner recommends that _____ (Name of proposed conservator) be appointed Conservator. The proposed Conservator has the financial resources and experience to properly rehabilitate the Property. (Explain and provide detail concerning the proposed Conservator's financial resources and experience.) (If a non-profit Corporation is the proposed Conservator, attach a Certification to Serve as Conservator and required documentation as set forth in General Court Regulation No. 2009-01.)

18. Petitioner's Preliminary Plan with initial cost estimates for rehabilitation of the Property to bring it into compliance with all municipal codes and duly adopted plans for the area in which the Property is located and anticipated funding sources are attached as Exhibit _____. (Briefly describe the preliminary plan.)

LIS PENDENS

19. Petitioner will serve or provide notice of the filing of this Petition as provided in General Court Regulation No. 2009-01 and as otherwise ordered by the Court.

20. As required by 68 P. S. § 1104 (c), Petitioner shall file a Lis Pendens, substantially in the form attached hereto as Exhibit ____, with the City of Philadelphia Department of Records and shall thereafter file a file-stamped copy with the Prothonotary.

WHEREFORE, Petitioner prays for the following relief:

1. Issue an Order to Show Cause, inter alia, as to why a Conservator should not be appointed to abate the public nuisance and rehabilitate (or demolish), as alleged and ultimately proven, at the Property located at _____;

2. Appoint a Conservator as authorized by the Abandoned and Blighted Property Conservatorship Act; and

3. Grant such other and additional relief as may be just and appropriate.

Date: _____ Respectfully submitted _____

VERIFICATION OF PETITIONER

I, _____, hereby state:

1. I am (Title) for (Petitioner), Petitioner in this action;

2. I verify that the statements contained in the foregoing Petition to Appoint a Conservator are true and correct to the best of my knowledge, information, and belief; and

3. I understand that the statements in the Petition to Appoint a Conservator are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

(Title)
(Petitioner)

Dated: _____, 20____

CERTIFICATION TO SERVE AS CONSERVATOR

The undersigned, being the _____ of the Board of _____ ("the Corporation"), a Pennsylvania non-profit corporation:

1. Certifies that the matters herein certified will be relied upon by the Court of Common Pleas of Philadelphia County, in considering the Corporation's petition to be appointed Conservator under 68 P. S. § 1101-11.

2. Certifies that on _____ the Internal Revenue Service granted the Corporation tax-exempt nonprofit status under § 501(c)(3) of the Internal Revenue Code.

3. Certifies that the Corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State.

4. Understands the Conservator's requirements to report to the Court and agrees to comply with these requirements.

5. Is familiar with all currently effective agreements to which the Corporation is party or by which it is bound ("Existing Agreements").

6. Knows of no provision in any Existing Agreements, or in the Corporation's Articles of Incorporation or By-laws, which would be contravened by any actions or undertakings of the Corporation required if the Court appoints the Corporation as Conservator.

7. Knows of no suit, action or proceedings of any kind including proposed changes in zoning either pending or threatened against or affecting the Corporation or which brings into question the validity of the transactions contemplated by the preliminary plan for the Conservatorship, required by 68 P. S. § 1104(b)(3).

8. Has reviewed the minutes and Bylaws of the Corporation.

9. Certifies that the Corporation has passed a resolution authorizing its acceptance of a Court appointment of Conservator and is authorized to perform all of the duties required of a Conservator. (See "Exhibit A" attached.)

ATTEST: _____ (Corporation)
By: _____
Name: _____
Title: _____

Executed: _____

**EXHIBIT A
RESOLUTION**

(Must attach a copy of the corporate resolution authorizing the Corporation's acceptance of a Court appointment as Conservator and authorizing the Corporation to perform all of the duties required of a Conservator)

ATTACHMENT "B"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

(Petitioner) :
: COURT OF COMMON
: PLEAS
Petitioner, :
: PHILADELPHIA
: COUNTY
: CIVIL TRIAL DIVISION
v. :
:

(Owner(s) of Property at Issue) : _____
 : _____ TERM, 20____
 Respondent(s) : No.: _____

Philadelphia Bar Association
 Lawyer Referral and Information Service
 1101 Market Street, 11th Floor
 Philadelphia, Pennsylvania 19107
 (215) 238-6333 TTY (215) 451-6197

Asociacion de Licenciados de Filadelfia
 Servicio de Referencia e Informacion Legal
 1101 Market Street, 11th Floor
 Filadelfia, Pennsylvania 19107
 (215) 238-6333 TTY (215) 451-6197

NOTICE OF FILING OF A PETITION FOR THE APPOINTMENT OF A CONSERVATOR

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P. S. §§ 1101-1111 (2008), for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:

_____, BRT No. _____.

A hearing on the Petition for the Appointment of a Conservator will be scheduled by the Court. As required by General Court Regulation No. 2009-01, the Petitioner shall serve or mail a copy of this Notice, the Petition for the Appointment of a Conservator together with all exhibits, and a copy of the court order scheduling a hearing. A copy of this Notice (without the Petition for the Appointment of a Conservator, exhibits or court order) will also be posted at the property.

YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL THAT YOU MAY BE ONE OF THE FOLLOWING:

Owner of Property at issue. If you are the record owner or an owner claiming a right to title to the premises and want to be heard in this matter, you must file an answer as required by the Court order referenced above. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

Lienholder/Secured Creditors. If you are a lienholder or other secured creditor and want to be heard in this matter, you must file a petition to intervene as required by the Court order referenced above and may seek to be appointed as Conservator. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. The conservator lien may have priority over your lien or other rights.

The City of Philadelphia. As the political subdivision in which the property is located, the City of Philadelphia may file a petition to intervene as required by the Court order referenced above and may seek to be appointed as the conservator.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

ATTACHMENT "C"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

(Petitioner) :
 : COURT OF COMMON PLEAS
 Petitioner, :
 : PHILADELPHIA COUNTY
 :
 v. : CIVIL TRIAL DIVISION
 :
 (Owner(s) of the Property at Issue) : _____ TERM, 20____
 Respondent(s) : No.: _____

ORDER FOR RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20__, upon consideration of the Petition for the Appointment of a Conservator pursuant to the Abandoned and Blighted Property Conservatorship Act, 68 P. S. § 1101 et seq. (P. L. 1672, No. 135), it appearing that a prima facie showing of entitlement to the relief requested concerning the property located at:

_____, BRT No. _____.

has been made, it is hereby Ordered and Decreed that:

1. As required by General Court Regulation No. 2009-01, the Petitioner shall promptly:

a) Post a copy of the Notice of Filing of a Petition for the Appointment of a Conservator at the property;

b) Serve a copy of the Notice, Petition and all exhibits, and this Order on the owner(s) as required by Pa.R.C.P. No. 400.1 and file a return of service as soon as possible upon service;

c) Mail a copy of the Notice, Petition and all exhibits, and this Order by registered or certified mail on the City of Philadelphia at (include address) and shall file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa.R.C.P. No. 400.1;

d) Mail a copy of the Notice, Petition and exhibits, and this Order to all lienholders and other secured creditors as identified in the Petition, by registered or certified mail, to their last known address, and file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa.R.C.P. No. 400.1. The lienholders and other secured creditors as identified in the Petition are:

(List here the name of all lienholders and other secured creditors or as attachment)

2. As required by 68 P.S. § 1104(c), the Petitioner shall file a Lis Pendens with the City of Philadelphia Department of Records and a copy with the Prothonotary;

3. Unless otherwise provided upon petition, the owner may file an Answer to the Petition on or before _____ (approximately 60 days);

4. Unless otherwise provided upon petition, the City of Philadelphia, lienholders, other secured creditors, and any other "party in interest" as defined in 68 P.S. § 1103 may file a Petition to Intervene pursuant to Pa.R.C.P. 2236 et seq. on or before _____ (approximately 60 days);

5. Answers and responses to any Petitions to Intervene must be filed on or before _____ (approximately 90 days);

6. As required by the Act, a hearing will be held on _____ (within 120 days of the filing of Petition) at _____ o'clock _____ M _____, in Courtroom _____, City Hall, to determine whether the conditions for conservatorship have been met, whether a conservator should be appointed, who should be appointed as conservator, and/or whether other appropriate relief should be granted; and

7. At any time, the Court may appoint a master-judge pro tem to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge pro tem must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

BY THE COURT

J.

ATTACHMENT "D"

(By: Attorney
Bar No.
Email Address
Firm Name
Street Address
Telephone Number)

(Petitioner) :
: COURT OF COMMON
: PLEAS OF
: PHILADELPHIA
Petitioner, : COUNTY
:
:
v. : CIVIL TRIAL DIVISION
:
: TERM: _____ 20____
(Owner(s) of Property at : No.: _____
Issue)
Respondent(s)

LIS PENDENS

To The Recorder of Deeds:

Kindly enter the above action as a Lis Pendens against the property located at:

_____, BRT No. _____
and meeting the following legal description (the "Property"):

(Include property description in indented paragraph or as attachment.)

I do hereby certify that this action involves title to real estate. It seeks appointment of a conservator to take possession and to undertake the rehabilitation (or demolition) of the Property pursuant to the Abandoned and Blighted Property Conservatorship Act, P.L. 1672, No. 135, 68 P.S. § 1101 et seq. (2008).

Attorney for Petitioner

[Pa.B. Doc. No. 10-2097. Filed for public inspection November 5, 2010, 9:00 a.m.]

Title 255—LOCAL
COURT RULES

INDIANA COUNTY

Public Access Policy for Magisterial District
Judges, 40th Judicial District of Pennsylvania;
No. AD 4 2010

Order of Court

And Now, this 18th day of October, 2010, in accordance with the Judicial Code 42 Pa.C.S. § 4301(b), it is Ordered that the following procedures shall be utilized to ensure a policy is in place to govern public access to the paper records of the Magisterial District Courts within the 40th Judicial District of Pennsylvania.

It is further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Minor Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Indiana County Law Journal* for publication, and that one copy shall be filed with the Prothonotary & Clerk of Court of Indiana County.

1. Public Request Access.

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

(b) All denials for record requests must be issued in writing and the requester, within 15 days of notification of the decision, can appeal such a denial to the Court of Common Pleas of Indiana County.

2. Fee Schedule.

(a) Copying—\$.25 per page

(b) Facsimile—\$.25 per page

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

(d) Postage—actual costs

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

(f) Fees under this paragraph may be waived by the Magisterial District Judge if it is determined that the requestor is indigent.

(g) All fees received pursuant to this Rule shall be identified as revenue to the Magisterial District Court and shall be remitted monthly to the general fund of the County of Indiana.

(h) The effective date of this Order is 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. MARTIN,
President Judge

[Pa.B. Doc. No. 10-2098. Filed for public inspection November 5, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CHS. 806 AND 808]

Review and Approval of Projects

Summary: This document contains final rules that amend the project review regulations of the Susquehanna River Basin Commission (Commission) to include subsidiary allocations for public water supply systems under the scope of withdrawals requiring review and approval; improve notice procedures for all project applications; clarify requirements for grandfathered projects increasing their withdrawals from an existing source or initiating a new withdrawal; refine the provisions governing transfer and re-issuance of approvals; clarify the Executive Director's authority to grant, deny, suspend, rescind, modify, or condition an Approval by Rule; include decisional criteria for diversions into the basin; amend administrative appeal procedures to broaden available remedies and streamline the appeal process; and make other minor regulatory clarifications to the text of the regulations.

Dates: Effective November 1, 2010.

Addresses: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

For Further Information Contact: Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Also, for further information on the final-form rulemaking, visit the Commission's web site at www.srbc.net.

Supplementary Information:

Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking was published in the *Federal Register* on June 25, 2010; the *New York Register* on July 7, 2010; the *Pennsylvania Bulletin* on July 10, 2010; and the *Maryland Register* on July 16, 2010. The Commission convened public hearings on July 27, 2010, in Binghamton, New York and on July, 2010, in Harrisburg, Pennsylvania. A written comment period was held open until August 10, 2010. Comments on the proposed rulemaking were received at both the hearings and during the comment period. A summary of the comments and the Commission's responses thereto follows.

Comments by Section, Part 806

Section 806.4. Projects requiring review and approval.

Comment: With respect to gas well development and hydrofracking operations, there is a need for the Commission to evaluate the cumulative impacts of water withdrawals and to require flow monitoring at water withdrawal sites.

Response: The Commission does employ cumulative impact analysis in its review and approval of projects. Flows are monitored at all sites where passby flow requirements have been imposed either directly or through the use of reference gages. Commission field inspectors verify that users required to cease taking water at given flow levels are in fact abiding by passby limitations. In addition, the Commission has implemented a Remote Water Quality

Monitoring Network with 30 monitoring stations in the areas where drilling in the Marcellus Shale formation is most active.

Comment: The Commission should exercise greater regulatory authority over drilling operations in the Marcellus Shale formation, including assuming jurisdiction over water quality related matters.

Response: The Commission's current regulatory authority extends only to water withdrawal and consumptive use by gas drilling operations. As established in Section 3.2 of the Susquehanna River Basin Compact, the Commission is directed to utilize the existing agencies of federal and state government who currently exercise regulatory authority on water quality, underground injection, and on the extraction of mineral resources. At this point, the member states are asserting their regulatory authority and it would not be appropriate for the Commission to interpose its authority and duplicate the plenary authority exercised by the states in this area. If, at some point in the future, the Commission concludes, after public hearing, that it must assume jurisdiction in order to effectuate the terms of the comprehensive plan or implement the terms of the Compact, it may then do so.

Section 806.6. Transfer and re-issuance of approvals.

Comment: Allowing "transfer of approvals" under 18 CFR 806.6 is inappropriately treating water as a "commodity" instead of as a "common resource" of the basin.

Response: Under 18 CFR 806.6, the instances where approvals may be transferred with only administrative approval of the Executive Director are limited. Transfers of approvals more than ten years old, those changing the quantity or use of the water, or having pre-compact or pre-regulation elements will require a subsequent application for approval, thus phasing out grandfathered uses and bringing these projects under the authority of the Commission, where the water used can be better managed as a "common resource" of the basin. We would also note that transfer of approvals is not limited to the gas drilling industry. Other transfers occur, such as the transfer of water withdrawal approvals from municipalities to municipal authorities, whenever a project using the waters of the basin is sold to a new owner.

Section 806.15. Notice of Application.

Comment: Notification of property owners within one-half mile of a withdrawal is insufficient. Notice should be provided to all property owners in the watershed or even to all basin residents because of the high volumes of water withdrawals for gas production and the contents of fracking water. Also, people farther than a half mile may experience impacts to their water, air, and soil quality.

Response: The one-half mile notification requirement for withdrawals provides more effective notice than the current contiguous property owner requirement that is based on proximity, not science. Ongoing scientific evaluations indicate that a one-half mile notice will cover the vast majority of areas affected by groundwater and surface water withdrawals. Thus, the Commission believes this new standard is both reasonable and appropriate. If data is collected during the aquifer test that indicates that the influence of the withdrawal extends beyond a half mile radius, the staff has the discretion to direct project applicants to send notification to property owners in these extended areas. Because newspaper notice is also required and because the Commission

publishes an advanced notice for all withdrawal applications in the *Federal Register* and state notice publications prior to taking action, other interested parties throughout the watershed and the basin will have notice and opportunity to comment on such applications. Similar information is also provided to the public by the Commission through its web-based Water Resources Portal.

Comment: In amending its notification requirements for project applications, the Commission is properly focusing on those persons who are actually affected and who have a real interest in participating in the approval process.

Response: Agreed

Comment: The Commission's proposed rules are scientifically based and therefore sound.

Response: Agreed

Comment: The notice sent to landowners within one-half mile of a groundwater withdrawal should include an opportunity for the property owner to comment on the project application.

Response: 18 CFR 806.15 (a) specifies that all notices required under this section contain the address, electronic mail address, and phone number of the project sponsor and the Commission, and comments are therefore welcome from any landowner or other interested party who wishes to do so. Also, the form of notice sent to landowners contains information concerning the submission of comments and providing relevant contact information.

Comment: The notice sent to property owners within one-half mile of a groundwater withdrawal should include information on how the 72-hour testing will be done, when it will occur, and other information concerning the evaluation and approval of the groundwater withdrawal project. Follow-up information should be provided to property owners receiving notifications such as the results of water withdrawal testing.

Response: The Commission readily understands that landowners may have an interest in aquifer testing information at the application stage. Under current Commission procedures, however, applicants submit testing plans and conduct tests prior to the filing of an application that triggers the notice requirement. At this pre-application stage, applicants may also submit information supporting a request for a waiver of the testing requirements, which may or may not be granted. The Commission believes that the requirement for pre-application submission of test information is a conservative management approach helping to ensure that applications are supported by science. Rather than modifying this procedure, the Commission feels that the legitimate concerns expressed in this comment can best be addressed by providing landowners with a right of access to the information sought.

Comment: For applications to use wastewater discharge sources, in addition to the newspaper notice, any property owner within 1,000 feet of the use (or some other appropriate distance compatible with other resource agencies) should be notified by mail.

Response: Newspaper notices noting the use of a wastewater discharge source will be required in every area where the water will be used for natural gas development. The Commission believes that this form of notice will be sufficient. Also, all approved water sources that a natural gas developer may use on a given site are available for viewing on line by interested landowners at the Commission's web based Water Resources Portal.

Section 806.24. Standards for Diversions.

Comment: The meaning of the "catch all phrase" in the proposed revision to 18 CFR 806.24 requiring consideration of the "extent to which the proposed diversion satisfies all other applicable standards set forth in subchapter C of this part," is not clear. It is recommended that this phrase be struck.

Response: While the Commission agrees that a clarification is needed, it is important that the sponsors of diversion projects understand that they must also abide by the Commission's general and specific standards set forth in subchapter C of Part 806 governing withdrawals and consumptive use. The Commission has modified this language in the final rule to add more clarity.

Comment: For projects involving a diversion of water out of the basin, the in-basin public should be noticed and have an opportunity to provide written comments. This notice should tell the public where the water is being diverted and why.

Response: The proposed regulations do provide for newspaper publication in the in-basin area, plus since the diversion will also involve a withdrawal of some kind in the in-basin area, property owners within one-half mile will also receive notifications in accordance with 18 CFR 806.15.

General Comments

Comment: The Commission should institute a moratorium on approval of any unconventional gas drilling related water withdrawals until the completion of certain studies that will assess the environmental impacts of drilling and fracking activity.

Response: The Commission can find no evidence linking its approval of water withdrawals and consumptive uses by gas drilling operations in the Marcellus Shale formation with a threat of harm or of injury to the public justifying a moratorium on all approvals. Ultimately, a moratorium based on supposition rather than science cannot be legally justified or defended. It is also far more appropriate for the states and the federal government, who exercise broader authority with respect to water quality, underground injection and mineral extraction, and who have such studies underway, to inform the Commission's regulatory program as that science develops. In the interim, the Commission continues to study and evaluate the cumulative impact of these withdrawals and consumptive use on the water resources of the basin.

Comment: The idea of allowing water withdrawals for any other reason than to support life is abhorrent.

Response: The Susquehanna River Basin Compact and the Commission Comprehensive Plan do place importance upon the conservation of water to support the living resources of the basin and the Chesapeake Bay, and the Commission devotes a major part of its mission to protecting those resources; however, the purposes of the Compact and the goals of the Comprehensive Plan also include the utilization and development of the basin's water resources to make secure and protect developments within the states (i.e. economic development). Managing the basin's waters to protect living resources and developments within the states are not mutually exclusive efforts.

Comment: The Commission did not give sufficient public notice of the public hearings on these proposed rules.

Response: The Commission followed the notice requirements of its own regulations found at 18 CFR 808.1,

publishing well in advance of public hearings the text of the proposed rules in the *Federal Register* and in the member state notice publications, and including in those notices the date, time and place of two public hearings held in Binghamton, N.Y. on July 27, 2010, and Harrisburg, Pa. on July 29, 2010. Written comments were also invited through August 10, 2010. The Commission gave further notice of the proposed rulemaking contents, the public hearings, and the comment period via its web site and in a news release sent to media throughout the basin. These are the same notice procedures followed by the Commission on past proposed rulemaking actions as well. The Commission is, nevertheless, considering ways that it can improve notice procedures in future rulemaking actions and welcomes this comment.

Comment: The Pennsylvania Department of Environmental Protection (PADEP) is permitting gas drilling on lands subject to frequent inundation, creating a danger that toxic materials or waters stored on such land will be washed away and contaminate streams and rivers.

Response: 18 CFR 806.21 provides that the Commission may suspend the review of any project that has not been approved by a member jurisdiction or a political subdivision thereof. The Commission may also modify, suspend, or revoke a previously granted approval where the project sponsor fails to obtain or maintain the approval of member jurisdiction or political subdivision thereof. All land uses in Pennsylvania in flood prone designated communities are subject to the provisions of the Pennsylvania Flood Plain Management Act and local ordinances adopted pursuant thereto. If a project sponsor is not in compliance with these local ordinances, they run the risk of having their Commission approval suspended or revoked.

Comment: The Commission has been blocking participation of landowners in the approval process for gas drilling consumptive use and withdrawal approvals by withholding information on pending project applications.

Response: The Commission disagrees with this comment. The Commission has historically welcomed and encouraged public comment on applications submitted to the Commission for its review and consideration. It continues to improve its notice requirements, as witnessed by the modifications being made to 18 CFR 806.15 of this final rule, and has taken considerable steps to build its online Water Resources Portal web application to facilitate that end.

Comment by Section, Part 808

Section 808.2. Administrative Appeals.

Comment: There is a need to improve some of the provisions of the proposed changes to the administrative appeal provisions of 18 CFR 808.2 by removing certain unneeded language, defining a standard for granting nunc pro tunc appeals, providing for a direct notice of hearing to the petitioner and project sponsor, and specifying a deadline for filing an appeal for consideration at the next regular Commission meeting.

Response: Agreed. These changes have been made to the text of 18 CFR 808.2 in the final rulemaking document.

List of Subjects in 18 CFR Parts 806 and 808:

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR Parts 806 and 808 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

Subpart C—Standards for Review and Approval

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.4, revise paragraphs (a)(2) introductory text, (a)(2)(iv), and (c) to read as follows:

§ 806.4. Projects requiring review and approval.

(a) * * *

(2) *Withdrawals.* Any project described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.23. Hydroelectric projects, except to the extent that such projects involve a withdrawal, shall be exempt from the requirements of this section regarding withdrawals; provided, however, that nothing in this paragraph shall be construed as exempting hydroelectric projects from review and approval under any other category of project requiring review and approval as set forth in this section, § 806.5, or 18 CFR part 801. The taking or removal of water by a public water supplier indirectly through another public water supply system or another water user's facilities shall constitute a withdrawal hereunder.

* * * * *

(iv) With respect to groundwater projects in existence prior to July 13, 1978, and surface water projects in existence prior to November 11, 1995, any project that will increase its withdrawal from any source, or initiate a withdrawal from a new source, or combination of sources, by a consecutive 30-day average of 100,000 gpd or more, above that maximum consecutive 30-day amount which the project was withdrawing prior to the said applicable date.

* * * * *

(c) Any project that did not require Commission approval prior to January 1, 2007, and not otherwise exempt from the requirements of paragraph (a)(1)(iv), (a)(2)(v), or (a)(3)(iv) pursuant to paragraph (b) of this section, may be undertaken by a new project sponsor upon a change of ownership pending action by the Commission on an application submitted by such project sponsor requesting review and approval of the project, provided such application is submitted to the Commission in accordance with this part within 90 days of the date change of ownership occurs and the project features related to the source, withdrawal, diversion or consumptive use of water, or the nature or quantity of water withdrawal, diversion or consumptive use associated with the project do not change pending review of the application. For purposes of this paragraph, changes in the quantity of water withdrawal, diversion or consumptive use shall only relate to increases in quantity in excess of the quantity withdrawn, diverted or consumptively used prior to the change of ownership.

3. In § 806.6, revise paragraphs (a), (b) introductory text, (b)(1), (c) introductory text and (d) introductory text, and add paragraph (e) to read as follows:

§ 806.6. Transfer and re-issuance of approvals.

(a) An existing Commission project approval may be transferred or conditionally transferred to a new project sponsor upon a change of ownership of the project, subject

to the provisions of paragraphs (b), (c) and (d) of this section, and the new project sponsor may only operate the project in accordance with and subject to the terms and conditions of the existing approval pending approval of the transfer, provided the new project sponsor notifies the Commission within 90 days from the date of the change of ownership, which notice shall be on a form and in a manner prescribed by the Commission and under which the new project sponsor certifies its intention to comply with all terms and conditions of the transferred approval and assume all other associated obligations.

(b) An existing Commission project approval for any of the following categories of projects may be conditionally transferred, subject to administrative approval by the Executive Director, upon a change of ownership and the new project sponsor may only operate such project in accordance with and subject to the terms and conditions of the transferred approval:

(1) A project undergoing a change of ownership as a result of a corporate reorganization where the project property is transferred to a corporation by one or more corporations solely in exchange for stock or securities of the transferee corporation, provided that immediately after the exchange the transferor corporation(s) own 80 percent of the voting stock and 80 percent of all other stock of the transferee corporation.

* * * * *

(c) An existing Commission approval of a project that satisfies the following conditions may be conditionally transferred and the project sponsor may only operate such project in accordance with and subject to the terms and conditions of the conditionally transferred approval, pending action by the Commission on the application submitted in accordance with paragraph (c)(3) of this section:

* * * * *

(d) An existing Commission project approval for any project not satisfying the requirements of paragraphs (b) or (c) of this section may be conditionally transferred and the project sponsor may only operate such project in accordance with and subject to the terms and conditions of the conditionally transferred approval, pending action by the Commission on an application the project sponsor shall submit to the Commission, provided that:

* * * * *

(e) An existing Commission project approval may be re-issued by the Executive Director at the request of a project sponsor undergoing a change of name, provided such change does not affect ownership or control of the project or project sponsor. The project sponsor may only continue to operate the project under the terms and conditions of the existing approval pending approval of its request for re-issuance, provided it submits its request to the Commission within 90 days from the date of the change, which notice shall be on a form and in a manner prescribed by the Commission, accompanied by the appropriate fee established therefore by the Commission.

4. In § 806.7, revise paragraph (a) to read as follows:

§ 806.7. Concurrent project review by member jurisdictions.

(a) The Commission recognizes that agencies of the member jurisdictions will exercise their review and approval authority and evaluate many proposed projects in the basin. The Commission will adopt procedures to

assure compatibility between jurisdictional review and Commission review.

* * * * *

5. Revise § 806.15 to read as follows:

§ 806.15. Notice of application.

(a) Any project sponsor submitting an application to the Commission shall provide notice thereof to the appropriate agency of the member state, each municipality in which the project is located, and the county planning agency of each county in which the project is located. The project sponsor shall also publish notice of submission of the application at least once in a newspaper of general circulation serving the area in which the project is located. The project sponsor shall also meet any of the notice requirements set forth in paragraphs (b) through (e) of this section, if applicable. All notices required under this section shall be provided or published no later than 10 days after submission of the application to the Commission and shall contain a description of the project, its purpose, the requested quantity of water to be withdrawn obtained from for sources other than withdrawals or consumptively used, and the address, electronic mail address, and phone number of the project sponsor and the Commission. All such notices shall be in a form and manner as prescribed by the Commission.

(b) For withdrawal applications submitted pursuant to § 806.4(a)(2), the project sponsor shall also provide the notice required under paragraph (a) of this section to each property owner listed on the tax assessment rolls of the county in which such property is located and identified as follows:

(1) For groundwater withdrawal applications, the owner of any property that is located within a one-half mile radius of the proposed withdrawal location.

(2) For surface water withdrawal applications, the owner of any property that is riparian or littoral to the body of water from which the proposed withdrawal will be taken and is within a one-half mile radius of the proposed withdrawal location.

(c) For projects involving a diversion of water out of the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the project proposing to use the diverted water is located. For projects involving a diversion of water into the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the withdrawal of water proposed for diversion is located.

(d) For applications submitted under § 806.22(f)(12)(ii) to use a public water supply source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in the area served by the public water supply.

(e) For applications submitted under § 806.22(f)(12)(ii) to use a wastewater discharge source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in each area within which the water obtained from such source will be used for natural gas development.

(f) The project sponsor shall provide the Commission with a copy of the United States Postal Service return receipt for the notifications to agencies of member states,

municipalities and county planning agencies required under paragraph (a) of this section. The project sponsor shall also provide certification on a form provided by the Commission that it has published the newspaper notice(s) required by this section and made the landowner notifications as required under paragraph (b) of this section, if applicable. Until these items are provided to the Commission, processing of the application will not proceed. The project sponsor shall maintain all proofs of notice required hereunder for the duration of the approval related to such notices.

6. In § 806.22, revise paragraphs (e)(1), (e)(6), (f)(3), (f)(9), and (f)(12) to read as follows:

§ 806.22. Standards for consumptive uses of water.

* * * * *

(e) * * *

(1) Except with respect to projects involving natural gas well development subject to the provisions of paragraph (f) of this section, any project whose sole source of water for consumptive use is a public water supply, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule:

(i) Notification of Intent: No fewer than 90 days prior to the construction or implementation of a project or increase above a previously approved quantity of consumptive use, the project sponsor shall submit a Notice of Intent (NOI) on forms prescribed by the Commission, and the applicable application fee, along with any required attachments.

(ii) Within 10 days after submittal of an NOI under paragraph (e)(1)(i) of this section, the project sponsor shall satisfy the notice requirements set forth in § 806.15.

* * * * *

(6) The Executive Director may grant, deny, suspend, rescind, modify or condition an approval to operate under this approval by rule and will notify the project sponsor of such determination, including the quantity of consumptive use approved.

* * * * *

(f) * * *

(3) Within 10 days after submittal of an NOI under paragraph (f)(2) of this section, the project sponsor shall satisfy the notice requirements set forth in § 806.15.

* * * * *

(9) The Executive Director may grant, deny, suspend, rescind, modify or condition an approval to operate under this approval by rule and will notify the project sponsor of such determination, including the sources and quantity of consumptive use approved. The issuance of any approval hereunder shall not be construed to waive or exempt the project sponsor from obtaining Commission approval for any water withdrawals or diversions subject to review pursuant to § 806.4 (a).

* * * * *

(12) The following additional sources of water may be utilized by a project sponsor in conjunction with an approval by rule issued pursuant to paragraph (f)(9) of this section:

(i) Water withdrawals or diversions approved by the Commission pursuant to § 806.4(a) and issued to persons

other than the project sponsor, provided any such source is approved for use in natural gas well development, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in a manner as prescribed by the Commission, and provides a copy of same to the appropriate agency of the member state. Any approval issued hereunder shall be further subject to any approval or authorization required by the member state to utilize such source(s). The project sponsor shall record on a daily basis, and report quarterly on a form and in a manner prescribed by the Commission, the quantity of water obtained from any source registered hereunder.

(ii) Sources of water other than those subject to paragraph (f)(12)(i) of this section, including public water supply or wastewater discharge, provided such sources are first approved by the Executive Director pursuant to this section. Any request to utilize such source(s) shall be submitted on a form and in a manner as prescribed by the Commission, shall satisfy the notice requirements set forth in § 806.15, and shall be subject to review pursuant to the standards set forth in subpart C of this part. Any approval issued hereunder shall be further subject to any approval or authorization required by the member state to utilize such source(s).

7. In § 806.24, add paragraph (c)(2), to read as follows

§ 806.24. Standards for diversions.

* * * * *

(c) * * *

(2) In deciding whether to approve a proposed diversion into the basin, the Commission shall also consider and the project sponsor shall provide information related to the following factors:

(i) Any adverse effects and cumulative adverse effects the project may have on the Susquehanna River Basin, or any portion thereof, as a result of the introduction or potential introduction of invasive or exotic species that may be injurious to the water resources of the basin.

(ii) The extent to which the proposed diversion satisfies all other applicable general and specific standards set forth in subpart C of this part pertaining to withdrawals and consumptive use.

8. Revise § 806.35 to read as follows:

§ 806.35. Fees.

Project sponsors shall have an affirmative duty to pay such fees as established by the Commission to cover its costs of administering the regulatory program established by this part, including any extraordinary costs associated with specific projects.

PART 808—HEARINGS AND ENFORCEMENT ACTIONS

10. The authority citation for Part 808 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

Subpart A—Conduct of Hearings

11. In § 808.2, revise paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) to read as follows:

§ 808.2. Administrative appeals.

(a) A project sponsor or other person aggrieved by a final action or decision of the Commission or Executive

Director on a project application or a records access determination made pursuant to Commission policy may file a written appeal requesting a hearing. In the case of a project approval or denial, such appeal shall be filed by a project sponsor within 30 days of receipt of actual notice, and by all others within 30 days of publication of notice of the action taken on the project in the *Federal Register*. In the case of records access determinations, such appeal shall be filed with the Commission within 30 days of receipt of actual notice of the determination. Appeals filed later than 20 days prior to a regular Commission meeting will be considered at a subsequent Commission meeting. Appeals shall be filed on a form and in a manner prescribed by the Commission and the petitioner shall have 20 days from the date of filing to amend the appeal form.

(b) The appeal shall identify the specific action or decision for which a hearing is requested, the date of the action or decision, the interest of the person requesting the hearing in the subject matter of the appeal, and a statement setting forth the basis for objecting to or seeking review of the action or decision.

(c) Any request not filed on or before the applicable deadline established in paragraph (a) of this section hereof will be deemed untimely and such request for a hearing shall be considered denied unless the Commission, upon written request and for good cause shown, grants leave to make such filing nunc pro tunc; the standard applicable to what constitutes good cause shown being the standard applicable in analogous cases under federal law. Receipt of requests for hearings pursuant to this section, whether timely filed or not, shall be submitted by the Executive Director to the commissioners for their information.

(d) Petitioners shall be limited to a single filing that shall set forth all matters and arguments in support thereof, including any ancillary motions or requests for relief. Issues not raised in this single filing shall be considered waived for purposes of the instant proceeding. Where the petitioner is appealing a final determination on a project application and is not the project sponsor, the petitioner shall serve a copy of the appeal upon the project sponsor within five days of its filing.

(e) If a hearing is granted, the Commission shall serve notice thereof upon the petitioner and project sponsor and shall publish such notice in the *Federal Register*. The hearing shall not be held less than 20 days after publication of such notice. Hearings may be conducted by one or more members of the Commission, by the Executive Director, or by such other hearing officer as the Commission may designate.

(1) The petitioner may also request a stay of the action or decision giving rise to the appeal pending final disposition of the appeal, which stay may be granted or denied by the Executive Director after consultation with the Commission chair and the member from the affected member state. The decision of the Executive Director on the request for stay shall not be appealable to the Commission under this section and shall remain in full force and effect until the Commission acts on the appeal.

(2) In addition to the contents of the request itself, the Executive Director, in granting or denying the request for stay, will consider the following factors:

(i) Irreparable harm to the petitioner.

(ii) The likelihood that the petitioner will prevail.

(f) The Commission shall grant the hearing request pursuant to this section if it determines that an adequate record with regard to the action or decision is not available, the case involves a determination by the Executive Director or staff which requires further action by the Commission, or that the Commission has found that an administrative review is necessary or desirable. If the Commission denies any request for a hearing, the party seeking such hearing shall be limited to such remedies as may be provided by the compact or other applicable law or court rule.

(g) If a hearing is granted, the Commission shall refer the matter for hearing to be held in accordance with § 808.3, and appoint a hearing officer.

(h) *Intervention.* (1) A request for intervention may be filed with the Commission by persons other than the petitioner within 20 days of the publication of a notice of the granting of such hearing in the *Federal Register*. The request for intervention shall state the interest of the person filing such notice, and the specific grounds of objection to the action or decision or other grounds for appearance. The hearing officer(s) shall determine whether the person requesting intervention has standing in the matter that would justify their admission as an intervener to the proceedings in accordance with federal case law.

(2) Intervenors shall have the right to be represented by counsel, to present evidence and to examine and cross-examine witnesses.

* * * * *

Dated: September 29, 2010.

PAUL O. SWARTZ,
Executive Director

Fiscal Note: Fiscal Note 72-8 remains valid for the final adoption of the subject regulations.

Editor's Note: The regulations of the Commission, 25 Pa. Code Chapters 806 and 808, are amended by amending §§ 806.1 and 808.1 to read as set forth in Annex A.)

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART IV. SUSQUEHANNA RIVER BASIN COMMISSION

CHAPTER 806. REVIEW AND APPROVAL OF PROJECTS

§ 806.1. Incorporation by reference.

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2010) (relating to review and approval of projects) are incorporated by reference and made part of this title.

CHAPTER 808. HEARINGS AND ENFORCEMENT ACTIONS

§ 808.1. Incorporation by reference.

The regulations and procedures for hearings/enforcement actions as set forth in 18 CFR Part 808 (2010) (relating to hearings and enforcement actions) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 10-2099. Filed for public inspection November 5, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1187 AND 1189]

Participation Review Process for Medical Assistance Nursing Facilities

The Department of Public Welfare (Department), under the authority of section 443.1(8) of the Public Welfare Code (code) (62 P.S. § 443.1(8)), proposes to amend Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility services) to read as set forth in Annex A.

Purpose of Proposed Rulemaking

The purpose of this proposed rulemaking is to provide nursing facilities and other interested persons with enforceable rules that the Department will use in exercising its authority to manage the enrollment and participation of nursing facilities as providers in the Medical Assistance (MA) Program. The proposed rulemaking amends existing provisions regarding nursing facility participation in Chapters 1187 and 1189.

The proposed rulemaking is needed to implement the act of June 30, 2007 (P.L. 49, No. 16) (Act 16). Act 16 requires the Department to propose regulations to establish the process and criteria for reviewing and responding to requests by nursing facilities to enroll in the MA Program or increase certified MA bed complements in a manner that is consistent with applicable Federal and State laws. Act 16 followed the Commonwealth Court's decision in *Eastwood Nursing and Rehabilitation Center v. Department of Public Welfare*, 910 A.2d 134 (2006). In *Eastwood*, the Court held that the Department's statement of policy published at 28 Pa.B. 138 (January 10, 1998) regarding its treatment of requests by facilities to increase MA beds was a "binding norm" and, therefore, unenforceable because it had not been promulgated in accordance with the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), known as the Commonwealth Documents Law (CDL).

The proposed rulemaking identifies the factors that the Department will use to evaluate bed requests and establishes a more transparent, standardized process for the submission of bed requests and bed transfer requests that is consistent with applicable Federal law. The proposed rulemaking also promotes a more balanced long-term living system in this Commonwealth. The overall goal of the proposed rulemaking is to serve the best interests of MA recipients by supporting the growth of home and community-based services (HCBS), which consumers prefer as a setting for long-term living services, while ensuring that MA recipients continue to have access to medically necessary nursing facility services.

Background

In response to *Eastwood Nursing and Rehabilitation Center v. Department of Public Welfare*, 910 A.2d 134 (2006), the General Assembly amended the code to require, as a condition of participation in the MA Program, that county and nonpublic nursing facilities seek and obtain advance written approval from the Department to enroll in the program or, if already enrolled, to increase existing certified bed complements. See section 1 of Act 16

and section 443.1(8) of the code. Pending the adoption of regulations or until September 30, 2011, Act 16 directs the Department to review pending and future requests for enrollment or expansion in accordance with the process and guidelines contained in the original 1998 statement of policy. Section 443.1(8) of the code authorizes the Department to amend the statement of policy, after soliciting public comments, if the Department determined changes to the statement of policy would "facilitate access to medically necessary nursing facility services or . . . assure that long-term living care and services under the MA Program will be provided in a manner consistent with applicable Federal and State law, including Title XIX of the Social Security Act." Finally, Act 16 requires the Department to propose regulations that would establish the process and criteria for responding to increases in MA-certified beds.

The Department published a proposed statement of policy at 38 Pa.B. 5974 (November 1, 2008) amending the 1998 statement of policy. The Department invited public comment on the proposed changes to the statement of policy. Written comments were received from four commentators. The Department published the final amended statement of policy and its responses to the public comments at 40 Pa.B. 1766 (April 3, 2010).

This proposed rulemaking will fulfill the final mandate of Act 16 by establishing regulations for the procedures and criteria that will apply to MA bed requests. The process established by the proposed rulemaking, defined as "participation review," will assure that the MA Program is administered in the best interest of MA recipients and in compliance with applicable Federal and State law.

Requirements

This proposed rulemaking will establish a process for nursing facilities to submit requests to the Department to enroll in the MA Program or expand their existing complement of MA beds. The 1998 statement of policy for nursing facility exception requests started from the general presumption that there was an adequate supply of nursing facility beds for MA recipients and that nursing facilities bore the burden of demonstrating that an increase should be permitted. The 1998 statement of policy suggested that facilities submitting requests for exceptions include information such as feasibility studies for the expansion project, whether the facility would take day-one MA recipients, the extent to which MA recipients and technology-dependent MA recipients have access to services in the area, the facility's record as a Medicaid and Medicare provider and whether there were alternatives such as increased HCBS to meet the demand for care. The final amended statement of policy published at 40 Pa.B. 1766 introduced measures to make the consideration of bed requests more efficient and transparent for the public, eliminated obsolete provisions that referred to the former Certificate of Need program and set procedures for the Department's review of requests to transfer beds between facilities.

The proposed rulemaking builds on the guidelines established in the final amended statement of policy and will institute the following requirements:

Bed transfer requests. The proposed rulemaking distinguishes between bed requests, in which a facility seeks to increase the overall number of beds in the MA Program by enrolling as a new MA provider or increasing their existing complement of MA-certified beds, and bed trans-

fer requests, in which one facility promises to decertify and close MA beds if the Department approves an increase in MA beds at another nearby facility. Section 1187.175 (relating to criteria for the approval of bed transfer requests) establishes an expedited review process and separate criteria for approval of bed transfer requests. These criteria will assure that transfers achieve neutrality in terms of MA recipient access to nursing facility care and the Department's costs. For example, under the proposed rulemaking, the facility receiving the additional beds must agree to maintain an MA day-one admission rate equal to or greater than the rate of the facility surrendering the beds or another rate agreed-to by the Department, and neither facility may benefit from an increase in reimbursement as a result of a change in its peer group. The proposed rulemaking will also assure that the bed transfer process is consistent with the Commonwealth's ongoing efforts to rebalance the long-term living system by noting that requests may be denied if there are alternatives to the transfer, such as an increase in HCBS. These requirements are necessary to ensure that the MA Program is administered in a manner consistent with Federal and State law and in the best interest of MA recipients.

Bed requests by a continuing care retirement community (CCRC). The proposed rulemaking defines a "closed-campus continuing care retirement community" as an entity that has a nursing facility component located on the same campus of its other CCRC living units and that only admits residents of the CCRC. The proposed rulemaking will also establish additional requirements that apply to bed requests submitted by a closed-campus CCRC. Under this proposed rulemaking, the CCRC must include in its application an overview of the entity's long-term living services; appropriate documentation from the Insurance Department; and copies of the entity's standard resident agreements, disclosure statement, and marketing materials. Section 1187.176 (relating to criteria for the approval of closed-campus CCRC bed requests) establishes the criteria for the approval of a bed request by a closed-campus CCRC. In addition, the proposed rulemaking will establish a number of the new requirements for this category of bed requests, such as assurances that the CCRC provides MA waiver services to its residents of independent living and that the growth of HCBS on campus rather than additional nursing facility beds is not a viable alternative. The proposed rulemaking will also prohibit approval of closed-campus CCRC bed requests where the ratio of independent living units to nursing facility beds is less than 17 to 1.

Other bed requests. Section 1187.177 (relating to criteria for the approval of bed requests other than bed transfer requests or closed-campus CCRC bed requests) identifies the criteria that the Department will use in its consideration of bed requests other than bed transfer requests and closed-campus CCRC bed requests. Under the proposed rulemaking, the Department will only approve requests if; (1) the requests contain the information required in § 1187.172(a) (relating to contents and submission of bed requests); (2) the additional MA beds are needed in the area to maintain or improve access to medically necessary nursing facility services; (3) the facility will serve MA day-one recipients, maintain a specified MA occupancy rate, employ welfare or MA recipients and the addition of beds will be economically feasible; and (4) there are no disqualifying circumstances regarding facility or owner compliance. The Department will determine whether there is a need for additional MA beds based on factors including the average annual

overall occupancy rates of providers in the primary service area or county and whether there are systemic barriers that prevent MA recipients from accessing existing MA beds. As described in § 1187.177(c), the Department will not approve a request if it determines that it would negatively affect the goal of rebalancing the long-term living system or that there are alternatives that would be less costly, more efficient or more appropriate, such as additional HCBS.

The participation review process. The proposed rulemaking will enhance the transparency of the MA bed approval process by establishing a standard set of data elements (availability of MA nursing facilities, availability of HCBS and demographic data) that the Department will consider for each request. Under § 1187.173 (relating to review and public process of bed requests), a "data book" compiled for each review period will be made available by the Department online. The Department will also post a list of bed requests that are under consideration on a semiannual basis and accept public comments. Each month, the Department will post a list of the bed transfer requests and closed-campus CCRC requests received the previous month and will also accept written public comments regarding these requests. These processes will bolster public understanding of the participation review process and provide additional resources for nursing facilities.

Affected Individuals and Organizations

This proposed rulemaking will affect nonpublic and county nursing facilities that currently participate in the MA Program or plan to enroll in the MA Program. MA recipients who choose to receive care in a nursing facility may also be affected.

Accomplishments and Benefits

The proposed rulemaking provides clear guidance to nursing facilities who seek to enroll in the MA Program or expand their current complement of MA beds. The proposed rulemaking gives nursing facilities notice of the standards that will be applied to these requests so that they can better plan their operations in the long-term. Both nursing facilities and the Department will benefit from the security of having enforceable standards that control the participation review process. MA recipients will benefit from the assurance that they will have adequate access to medically necessary nursing facility services. Finally, the proposed rulemaking also accomplishes the mandate of Act 16 by promulgating regulations to control the participation review process.

Fiscal Impact

No cost to the Commonwealth, local government, nursing facility providers or MA recipients is anticipated as a result of this proposed rulemaking.

Paperwork Requirements

This proposed rulemaking contains paperwork requirements for the Commonwealth and for nursing facilities who apply for enrollment in the MA Program or an expansion of their existing MA bed complement. There are no required forms associated with the proposed rulemaking. Each application submitted by a nursing facility to the Department must include the information listed in § 1187.172. The time required to comply with these requirements is estimated to be equivalent to that required to comply with the submission of exception requests under the existing statement of policy.

Effective Date

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Yvette Sanchez-Roberts, Bureau of Policy & Strategic Planning, Department of Public Welfare/ Department of Aging, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919, RA-PartReview@state.pa.us within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-524 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 22, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. 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.

HARRIET DICHTER,
Secretary

Fiscal Note: 14-524. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter C. NURSING FACILITY PARTICIPATION

§ 1187.21. Nursing facility participation requirements.

In addition to meeting the participation requirements established in Chapter 1101 (relating to general provisions), a nursing facility shall meet the following requirements:

* * * * *

(5) The nursing facility shall meet the requirements of Subchapter L (relating to nursing facility participation requirements and review process).

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

Subchapter L. NURSING FACILITY PARTICIPATION REQUIREMENTS AND REVIEW PROCESS

GENERAL PROVISIONS

- Sec.
1187.161. Applicability.
1187.162. Definitions.

BED REQUESTS

- 1187.171. Enrollment in the MA Program and expansion of existing providers.
1187.172. Contents and submission of bed requests.
1187.173. Review and public process relating to bed requests.
1187.174. Information and data relevant to bed requests.
1187.175. Criteria for the approval of bed transfer requests.
1187.176. Criteria for the approval of closed-campus CCRC bed requests.
1187.177. Criteria for the approval of bed requests other than bed transfer requests or closed-campus CCRC bed requests.
1187.178. Time lines for completion of approved projects.

GENERAL PROVISIONS

§ 1187.161. Applicability.

This subchapter applies to applicants as defined in § 1187.162 (relating to definitions).

§ 1187.162. Definitions.

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

Applicant—A legal entity or a person authorized by and acting on behalf of a legal entity who submits a bed request to the Department.

Bed request—A request by an applicant for the Department's approval to increase the number of MA-certified beds in a subject facility that is a provider or a request by an applicant to increase the number of MA-certified beds in the MA Program by enrolling a subject facility as a new provider.

Bed transfer request—A bed request in which the following conditions apply:

(i) The applicant seeks the Department's approval to increase the number of MA-certified beds in a provider.

(ii) The applicant represents that, if the Department approves the request, at least the same number of MA-certified beds will be decertified and closed at a different provider.

(iii) The providers are located in the same county, or the driving distance between providers is no greater than 25 miles if both providers are in MSA Level A, as specified by the Federal Office of Management and Budget in the OMB Bulletin No. 99-04, or no greater than 50 miles in all other cases.

CCRC—Campus continuing care retirement community.

Closed-campus CCRC—An entity certified as a CCRC by the Insurance Department in accordance with the Continuing-Care Provider Registration and Disclosure Act (CCRC Act) (40 P. S. §§ 3201—3225) that meets the following conditions:

(i) The CCRC has a nursing facility component that is located on the same campus as the CCRC's independent living units and identified in the CCRC's Disclosure Statement and Resident Agreement under the CCRC Act.

(ii) The CCRC's nursing facility component only admits individuals who have completed both of the following:

(A) Paid the CCRC's entrance fee.

(B) Entered into an enforceable resident agreement with the CCRC that is effective for at least 30 days and

that provides the individual the right to occupy the CCRC's independent living units.

(iii) The CCRC does not market its nursing facility component directly to the general public.

Closed-campus CCRC bed request—A bed request submitted by a closed-campus CCRC in which the subject facility is the CCRC's nursing facility component.

Legal entity—One of the following:

(i) A person who is a licensee of a licensed nursing facility, as authorized by the Department of Health of the Commonwealth.

(ii) A person proposing to develop or construct a long-term care nursing facility as defined in Chapter 8 of the Health Care Facilities Act (35 P. S. §§ 448.801—448.821).

MA—Medical Assistance.

MA day-one admission rate—The quotient of the number of MA day-one recipients admitted to the subject facility during a fiscal year, divided by the total number of individuals admitted to the nursing facility during the same fiscal year.

MA day-one recipient—An individual who is eligible for nursing facility services under the MA Program or who becomes eligible for nursing facility services under the MA Program within 60 days of the date of the individual's admission to a nursing facility.

MA occupancy rate—The quotient of the total MA days of care reported in an MA cost report, divided by the total actual days of care reported in the same MA cost report.

Nonpublic nursing facility—A nursing facility other than a county nursing facility or a facility owned or operated by the State or Federal government.

Overall occupancy rate—The quotient of the total actual days of care reported in an MA cost report, divided by the total available days of care reported in the same MA cost report.

Owner—A person having an ownership or control interest, as defined in section 1124(a) of the Social Security Act (42 U.S.C.A. § 1320a-3(a)), in the subject facility.

Person—A natural person, corporation (including associations, joint stock companies and insurance companies), partnership, trust, estate, association, the Commonwealth, and any local government unit, authority and agency thereof.

Primary service area—One of the following:

(i) The county in which the subject facility is or will be physically located.

(ii) The geographic area from which the subject facility draws or is expected to draw at least 75% of its resident population, as determined by the Department.

Proposed project—Any one of the following:

(i) An increase in the number of licensed beds in a provider.

(ii) The construction of a new county or nonpublic nursing facility if there is an expectation that the facility will become a provider.

(iii) The enrollment of a county or nonpublic nursing facility as a provider.

Provider—A licensed county or nonpublic nursing facility that is certified and enrolled as a nursing facility provider in the MA Program.

Receiving provider—The provider identified in a bed transfer request which will increase the number of its MA-certified beds if the bed transfer request is approved. The receiving provider is the subject facility of the bed transfer request.

Related party—A person who is or would be identified as a related party in a subject facility's MA cost report if the person were to provide goods, services or property to the subject facility.

Specialized medical services—Services that require staffing with advance training and need-specific equipment, including services needed by an individual who has severe dementia or traumatic brain injury or who requires a respirator for survival, or who receives bed side hemodialysis. Specialized medical services are not routinely provided in general nursing facilities and do not include the services of a dedicated Alzheimer's unit or infection isolation wing, osteopathic treatment or similar services.

Subject facility—An existing or proposed county or nonpublic nursing facility identified on a bed request that will increase the number of its licensed nursing facility beds or enroll as a provider in the MA Program if the bed request is approved.

Surrendering provider—The provider identified on a bed transfer request which will decertify and close at least the same number of MA-certified beds as the receiving provider identified in the same bed transfer request, if the request is approved.

BED REQUESTS

§ 1187.171. Enrollment in the MA Program and expansion of existing providers.

(a) As a condition of participation in the MA Program, an applicant shall submit a bed request to the Department and obtain the Department's advance written approval before increasing the number of MA-certified beds in a subject facility that is a provider, or before applying for the enrollment of a subject facility as a new provider.

(b) As a condition of participation in the MA Program, an applicant shall submit its bed request to the Department prior to commencing a proposed project that involves the construction of a new nursing facility or an expansion of an existing nursing facility.

§ 1187.172. Contents and submission of bed requests.

(a) *Required contents.* An applicant's bed request must contain the following information:

(1) *Ownership information.*

(i) The applicant shall provide the name and address of each person who is any of the following:

(A) The applicant, and a description of the applicant's involvement in the proposed project.

(B) The legal entity of the subject facility.

(C) An owner of the subject facility.

(D) A related party involved in the proposed project and a description of the related party's involvement with the project.

(ii) For each person identified, the applicant shall specify whether:

(A) The person is a spouse, parent, child or sibling of another person identified.

(B) During the 3-year period preceding the bed request, the person is or was an owner of a nursing facility, whether or not located in this Commonwealth, and if so the name and address of each of the nursing facilities.

(2) *Project overview.*

(i) The applicant shall provide an overview of the proposed project which includes a description of the population and primary service area the applicant intends to serve.

(ii) The applicant shall include a narrative and supporting documentation addressing each criterion in §§ 1187.175—1187.177 (relating to criteria for the approval of bed transfer requests; criteria for the approval of a closed-campus CCRC bed requests; and criteria for the approval of bed requests other than bed transfer requests or closed-campus CCRC bed requests), as applicable, and indexed to the criterion being addressed.

(3) *Financial information.*

(i) The applicant shall provide a feasibility or market study and financial projections prepared for the project that identify the following:

(A) Project costs.

(B) Sources of project funds.

(C) Projected revenue sources by payor type.

(D) Specific assumptions used and expected occupancy rates by payor type.

(ii) The applicant shall provide independent audited or reviewed financial statements of the subject facility for the most recent year prior to the fiscal year in which the bed request is filed. If the financial statements are not available for the subject facility, the applicant shall provide independent audited or reviewed financial statements of the legal entity or parent corporation of the subject facility for the most recent year prior to the fiscal year in which the bed request is filed.

(4) *Compliance history.* For each person identified in the ownership information section of the bed request as specified under paragraph (1), an applicant shall specify whether or not any of the following applies, and, if so, the applicant shall attach copies of all documents relating to the applicable action, including notices, orders or sanction letters received from the Federal Centers for Medicare and Medicaid Services or any state Medicaid, survey or licensing agency:

(i) The person is currently precluded, or at any time during the 3-year period preceding the bed request, was precluded from participating in the Medicare Program or any State Medicaid Program.

(ii) The person is or, at any time during the 3-year period preceding the date of the bed request, was a party to, or the owner of a party to a corporate integrity agreement with the Department or the Federal government.

(iii) The person owned, operated or managed a nursing facility, including the subject facility, and, at any time during the 3-year period preceding the date of the bed request, one of the following applies:

(A) The facility was precluded from participating in the Medicare Program or any State Medicaid Program.

(B) The facility had its license to operate revoked or suspended.

(C) The facility was subject to the imposition of civil monetary penalties, sanctions or remedies for resident rights violations.

(D) The facility was subject to the imposition of remedies based on the failure to meet applicable Medicare and Medicaid Program participation requirements, and the facility's deficiencies were graded as immediate jeopardy to resident health and safety.

(E) The facility was designated a special focus facility by the Federal Centers for Medicare and Medicaid Services, indicating a poor performing facility.

(5) *Closed-campus CCRC bed request information.* In addition to the information specified in paragraphs (1)—(4), an applicant submitting a closed-campus CCRC bed request shall include the following information:

(i) An overview of the mission of the CCRC and the services offered by the CCRC, including the community-based services provided by the CCRC and the number of independent, personal care, and assisted living units available in which to provide those services.

(ii) A copy of the Certificate of Authority issued by the Insurance Department.

(iii) A copy of the CCRC's standard resident's agreement for each component of the CCRC's continuum.

(iv) A copy of the CCRC's disclosure statement.

(v) A copy of all marketing materials related to the CCRC.

(6) *Certification and authority.*

(i) A bed request shall be signed by the applicant.

(ii) The applicant shall certify that the representations made and the information provided in the bed request are true and correct to the best of the applicant's knowledge, information and belief.

(iii) If the applicant is a person other than the legal entity of the subject facility, the applicant shall certify that the applicant is authorized to submit the bed request on behalf of the legal entity and that the legal entity has reviewed and approved the contents of the bed request.

(b) *Optional information.* In addition to the required content specified under subsection (a), an applicant may include in its bed request whatever information the applicant feels is relevant to or supports its bed request.

(c) *Submission.* An applicant shall submit an original and two copies of its bed request to the Department.

§ 1187.173. Review and public process relating to bed requests.

(a) *Groups.* Except as specified in subsection (b), the Department will consider bed requests in two groups, as follows:

(1) Group one will consist of bed requests received January 1 through June 30. Subject to subsection (c), the Department will use its best efforts to issue decisions on group one by the following December 31.

(2) Group two will consist of bed requests received from July 1 through December 31. Subject to subsection (c), the Department will use its best efforts to issue decisions on group two by the following June 30.

(b) *Bed transfer requests.* The Department will consider bed transfer requests in the order in which they are received. Subject to subsection (c), the Department will issue decisions on those requests on an ongoing basis.

(c) *Expedited review.* If an applicant demonstrates to the satisfaction of the Department that good cause exists, the Department, within its sole discretion, may expedite its review and respond to a bed request before the target date; provided that the Department will not respond prior to the close of the applicable public comment period specified in subsection (d).

(d) *Public process.*

(1) *Data book.* The Department will compile and make available online a workbook for each review period containing the following:

(i) Data relating to the availability and cost of MA nursing facility services Statewide and by county.

(ii) Data relating to the availability and cost of home and community-based services Statewide and by county.

(iii) Commonwealth and county demographic data.

(2) *Publication of and public comment period for bed requests.* Following the close of each 6-month request period, the Department will post online a list of bed requests, other than bed transfer requests and closed-campus CCRC bed requests, included in the group under consideration. The Department will make copies of the requests in that group available for review by the public during regular business hours, and will accept written comments related to the requests in the group for a 30-day period following the date that the notice is posted online.

(i) The group one list will be posted online on or before July 31.

(ii) The group two list will be posted online on or before January 31.

(3) *Publication of and public comment period for bed transfer requests and closed-campus CCRC bed requests.* No later than 15 calendar days following the last day of each calendar month, the Department will post online a list of the bed transfer requests and closed-campus CCRC bed requests received by the Department during that calendar month. The Department will make copies of the requests listed for that calendar month available for review by the public during regular business hours, and will accept written comments related to the requests for a 15-calendar-day period following the date that the list is posted online.

§ 1187.174. Information and data relevant to bed requests.

In reviewing an applicant's bed request, the Department will consider the information provided by the applicant and any public comments received on the request. In addition, the Department may consider information contained in the Department's books and records or obtained from persons other than the applicant that is relevant to the applicant's bed request, including the following:

(1) Data relating to the overall occupancy rates of MA nursing facilities in the primary service area identified in the bed request, the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

(2) Data relating to the MA day-one admission rates and the MA occupancy rates of MA nursing facilities in the primary service area identified in the bed request, the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

(3) Data relating to the availability of home and community-based services in the primary service area identified in the bed request, the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

(4) Data relating to the demographics of the primary service area identified in the bed request, the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

(5) Data relating to admissions and discharges at MA nursing facilities in the primary service area identified in the bed request, the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

(6) Data relating to the compliance history of the subject facility and the persons identified in the ownership information section of the bed request, as specified under § 1187.172(a)(1) (relating to contents and submission of bed requests).

(7) If the applicant is proposing to provide specialized medical services in the subject facility, data relating to the availability of those services in the primary service area identified in the bed request the county in which the subject facility is or will be located, and, in the case of a bed transfer request, the county in which the surrendering provider is located.

§ 1187.175. Criteria for the approval of bed transfer requests.

(a) Upon consideration of the information specified in § 1187.174 (relating to information and data relevant to bed requests), the Department may approve a bed transfer request only if the following are satisfied:

(1) The bed transfer request contains the information required in § 1187.172(a) (relating to contents and submission of bed requests).

(2) The receiving provider agrees to achieve and maintain an MA day-one admission rate that is equal to or greater than the surrendering provider's MA day-one admission rate or another MA day-one admission rate as may be agreed-to by the Department.

(3) The decrease in beds at the surrendering provider will not result in access barriers to nursing facility services for MA recipients.

(4) The increase in beds at the receiving provider will maintain or improve access to medically necessary nursing facility services for MA recipients.

(5) Neither provider will receive an increase in reimbursement as a result of a change in its peer group if the bed transfer request is approved.

(6) If the proposed bed transfer will result in a change in peer group assignments under this chapter for the surrendering or receiving facility, the change will not have a negative effect on the MA Program, on MA recipients or on other facilities which are members of the affected peer group.

(7) Approval of the bed transfer request will not result in increased costs to the MA Program.

(8) None of the circumstances specified in § 1187.172 (a)(4) applies.

(b) The Department may deny a bed transfer request even if the conditions specified in subsection (a) are satisfied if the Department determines one of the following:

(1) Approval of the request would negatively affect the Department's goal to rebalance the Commonwealth's publicly-funded long-term living system to create a fuller array of service options for MA recipients.

(2) There are alternatives to the transfer of beds, such as an increase in home and community-based services, that would be less costly, more efficient or more appropriate in assuring that long-term living care and services will be provided under the MA Program in a manner consistent with applicable Federal and State law.

§ 1187.176. Criteria for the approval of closed-campus CCRC bed requests.

(a) The Department may approve a closed-campus CCRC bed request only if the following are satisfied:

(1) The closed-campus CCRC bed request contains the information required in § 1187.172(a) (relating to contents and submissions of bed requests).

(2) The closed-campus CCRC shall be enrolled as an MA waiver provider and shall provide MA waiver services to its individuals residing in the CCRC's residential living units.

(3) The closed-campus CCRC shall have a written policy that allows individuals who are admitted to CCRC's independent living units to remain in their independent living unit and receive home and community-based services.

(4) The ratio of CCRC's independent living units to its nursing facility beds must be equal to or less than 17 independent living units to 1 nursing facility bed.

(5) The closed-campus CCRC and the legal entity of the subject facility of closed campus CCRC request shall agree in a form acceptable to the Department to close and decertify any additional MA-certified beds that are approved through this process if the CCRC no longer meets the definition of a closed-campus CCRC.

(6) None of the circumstances specified in § 1187.172(a)(4) applies.

(b) The Department may deny a closed-campus CCRC bed request even if the conditions specified in subsection (a) are satisfied if the Department determines one of the following:

(1) Approval of the request would negatively affect the Department's goal to rebalance the Commonwealth's publicly-funded long-term living system to create a fuller array of service options for MA recipients.

(2) There are alternatives to nursing facility beds such as an increase in home and community-based services, that would be less costly, more efficient or more appropriate in assuring that long-term living care and services will be provided under the MA Program in a manner consistent with applicable Federal and State law.

§ 1187.177. Criteria for the approval of bed requests other than bed transfer requests or closed-campus CCRC bed requests.

(a) The Department may approve a bed request, other than a bed transfer request or a closed-campus CCRC bed request, only if the following are satisfied:

(1) The bed request contains the information required in § 1187.172(a) (relating to contents and submission of bed requests).

(2) The additional MA-certified nursing facility beds are needed in the primary service area or the county in which the subject facility is located to maintain or improve MA recipients' access to medically necessary nursing facility services based on any of the following:

(i) The existing MA-certified bed capacity in the primary service or the county in which the subject facility is or will be located is insufficient to assure that MA recipients have access to medically necessary nursing facility services.

(ii) Systemic barriers prevent MA recipients from accessing the existing MA-certified bed capacity in the primary service or the county in which the subject facility is or will be located.

(iii) The applicant is proposing to admit and serve MA recipients who require specialized medical services in the subject facility and MA recipients do not have access to the specialized medical services in the existing MA-certified bed capacity in the primary service area or the county in which the subject facility is or will be located.

(3) The legal entity agrees, in a form acceptable to the Department, to the following:

(i) The subject facility will admit and serve MA day-one recipients.

(ii) The subject facility will maintain an MA occupancy rate that equals or exceeds the average MA occupancy rate of MA nursing facilities in the county in which the subject facility is or will be located or, in the case of a subject facility that is proposing to offer specialized medical services, the MA occupancy rate as may be agreed-to by the Department.

(iii) The construction and operation of the new or additional beds will be economically and financially feasible without the receipt of MA fixed property capital component payments, and it is not entitled to MA capital component payments for fixed property related to the new or additional beds.

(iv) The legal entity will employ welfare or MA recipients in its subject facility.

(4) None of the circumstances specified in § 1187.172(a)(4) applies.

(b) In determining whether a need for additional MA-certified beds exists under subsection (a), the following will apply:

(1) MA-certified bed capacity will be deemed sufficient if the average annual overall occupancy rates of providers in the primary service area and county in which the subject facility is or will be located is 95% or less, based on the most recent MA cost report data submitted by those providers.

(2) If the average annual overall occupancy rates of providers in the primary service area or county in which the subject facility is located exceeds 95%, based on the most recent MA cost report data submitted by those providers, the Department will consider the following information in assessing whether a need for additional MA-certified beds exists:

(i) The total number of MA-certified nursing facility beds in the primary service area.

(ii) The total number of licensed nursing facility beds in the primary service area.

(iii) The annual overall occupancy rates of providers in the primary service area based on the most recent MA cost report data submitted by those providers.

(iv) The annual actual bed days in the primary service area for the most recent 3-year period including the most recent cost report period, as submitted by nursing facility providers in the primary service area.

(3) No systemic barrier that prevents MA recipients from accessing MA-certified bed capacity will be deemed to exist if the average MA occupancy rate and the average MA day-one admission rate of providers in the primary service area and county in which the subject facility is or will be located are above the Statewide average rates or within one percentage point below the Statewide rates.

(c) The Department may deny a bed request even if the conditions specified in subsection (a) are satisfied if the Department determines one of the following:

(1) Approval of the request would negatively affect the Department's goal to rebalance the Commonwealth's publicly-funded long-term living system to create a fuller array of service options for MA recipients.

(2) There are alternatives to the bed request, such as an increase in home and community-based services, that would be less costly, more efficient or more appropriate in assuring that long-term living care and services will be provided under the MA Program in a manner consistent with applicable Federal and State law.

§ 1187.178. Time lines for completion of approved projects.

(a) If the Department approves a bed request, the approved project shall be completed in sufficient time so that the beds may be licensed, certified and available for occupancy within 3 years from the date of the Department's decision, or by another date as may be agreed to by the Department.

(b) The provider will make documentation available upon the Department's written request at any time and for so long as the nursing facility is an MA provider, as may be necessary to demonstrate compliance with the terms of the approved exception request.

CHAPTER 1189. COUNTY NURSING FACILITY SERVICES

Subchapter A. GENERAL PROVISIONS

§ 1189.3. Compliance with regulations governing noncounty nursing facilities.

(a) Unless a specific provision of this chapter provides to the contrary, the following subchapters of Chapter 1187 (**[related] relating** to nursing facility services) are applicable to county nursing facilities:

* * * * *

(6) Subchapter L (relating to nursing facility participation requirements and review process).

* * * * *

[Pa.B. Doc. No. 10-2100. Filed for public inspection November 5, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective October 12, 2010.

The organization chart at 40 Pa.B. 6414 (November 6, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 10-2101. Filed for public inspection November 5, 2010, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Police

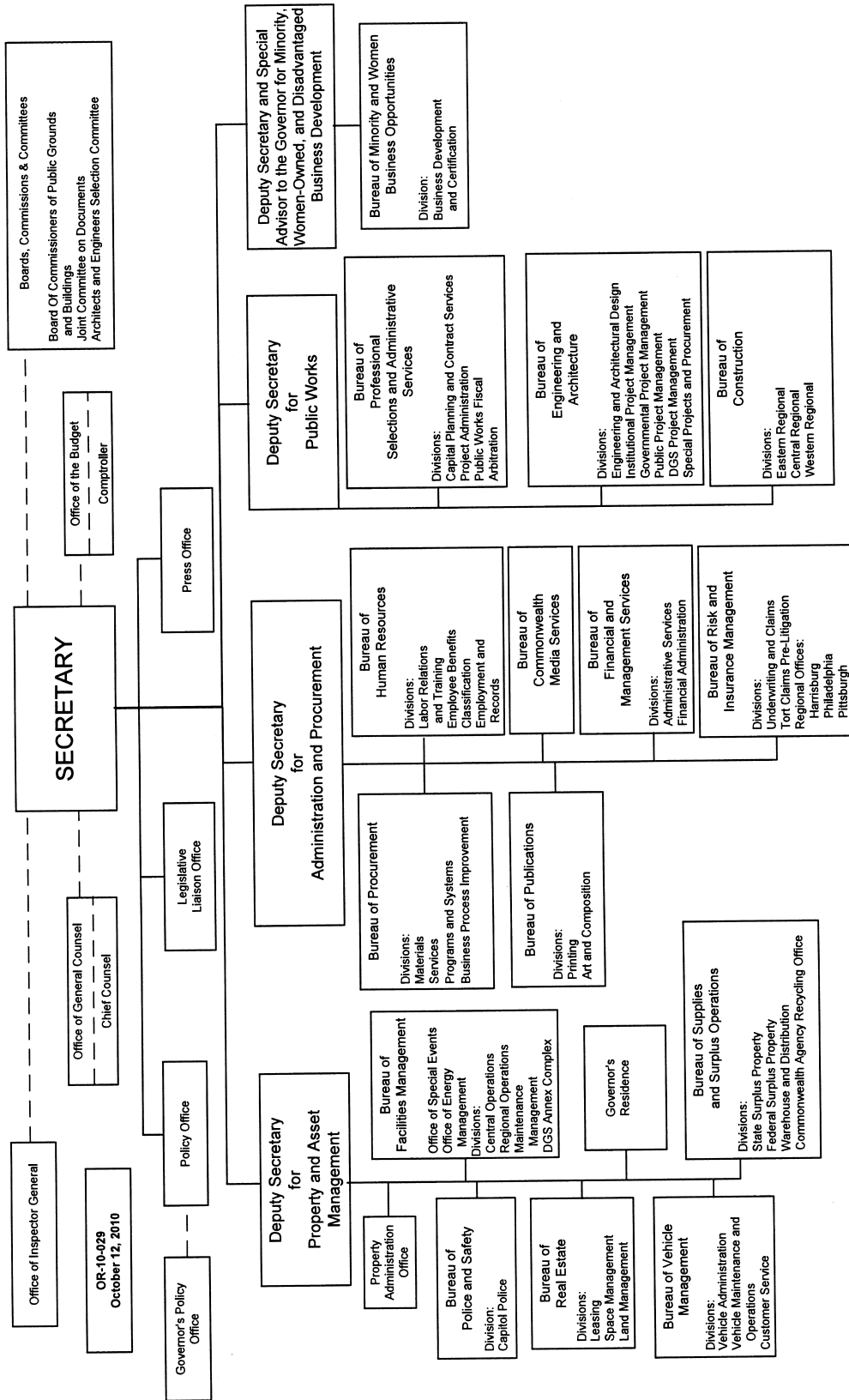
The Executive Board approved a reorganization of the State Police effective October 15, 2010.

The organization chart at 40 Pa.B. 6415 (November 6, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

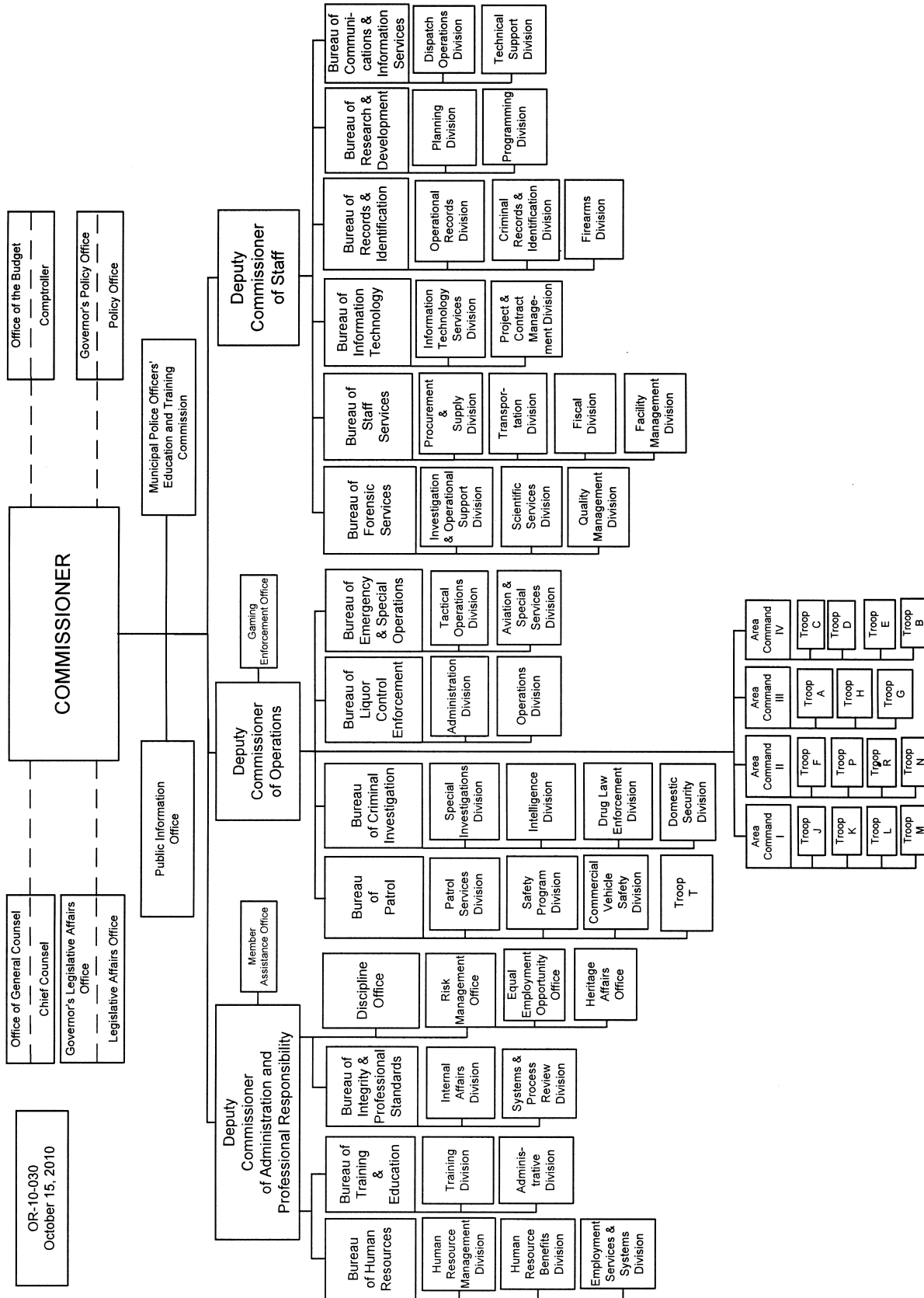
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 10-2102. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



PENNSYLVANIA STATE POLICE



OR-10-030
October 15, 2010

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 19, 2010.

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

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-12-2010	George W. Connell Revocable Trust Application for approval to acquire 100% of the common stock of Drexel Morgan & Co., Radnor, the parent financial holding company of The Haverford Trust Company, Radnor.	Approved

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2010	The Bank of Princeton Princeton Mercer County, NJ Merger of MoreBank, Philadelphia, PA, with and into The Bank of Princeton, Princeton, NJ.	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-7-2010	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1071 Baltimore Pike Glen Mills Delaware County	Opened
10-9-2010	Integrity Bank Camp Hill Cumberland County	1683 Oregon Pike Lancaster Lancaster County	Opened
10-9-2010	Integrity Bank Camp Hill Cumberland County	310 Centerville Road Lancaster Lancaster County	Opened
10-18-2010	Penn Security Bank and Trust Company Scranton Lackawanna County	Birney Avenue and Davis Street Scranton Lackawanna County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-12-2010	ESB Bank Ellwood City Lawrence County	<i>To:</i> 527 South Main Street Zelienople Butler County <i>From:</i> 17 Northgate Plaza Harmony Butler County	Effective

NOTICES

6417

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-12-2010	QNB Bank Quakertown Bucks County	<i>To:</i> 950 Millcreek Road Wescosville Lehigh County <i>From:</i> 1042 Millcreek Road Wescosville Lehigh County	Effective

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-13-2010	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1300 West Main Street Ephrata Lancaster County <i>From:</i> 1001 Sharp Avenue Ephrata Lancaster County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-2103. Filed for public inspection November 5, 2010, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 26, 2010.

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

BANKING INSTITUTIONS**Section 112 Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-18-2010	Philip A. Nisbet, Anthony Giordano, Joseph A. Auteri, Harry A. Bade, III, M.D., FACS, Francine Carb, Richard Eknoian, Ran Korolik, Richard O. Lindsey, and Pamela Porter Application for approval to acquire more than 10% of the common stock of Colonial American Bank, Horsham.	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-6-2010	Standard Financial Corp. Murrysville Westmoreland County Acquisition of 100% of Standard Bank, PaSB, Murrysville.	Effective

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-4-2010	AmeriServ Financial Bank Johnstown Cambria County	1857 North Atherton Street State College Centre County	Opened
10-21-2010	New Century Bank Phoenixville Chester County	2419 Nottingham Way Hamilton Mercer County, NJ	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-22-2010	Standard Bank, PaSB Murrysville Westmoreland County	187 Hyndman Road Hyndman Bedford County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-26-2010	Viriva Community Credit Union Warminster Bucks County	Approved

Application for approval to merge Defense Electronics Federal Credit Union, Montgomeryville, with and into Viriva Community Credit Union, Warminster.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-2104. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan Public Hearing Notice and Pennsylvania Housing Advisory Committee Meeting

The Department of Community and Economic Development (Department) is preparing the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2011 and the Program Year that begins January 1, 2011. The 2011 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2009-2013. Both documents must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 2009-2013 Consolidated Plan addresses how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, Community and Housing Opportunities for People with AIDS and the Neighborhood Stabilization Program Grant.

Public Hearing

A public hearing will be conducted electronically by means of the Internet. The format will be more accessible than in an in-person meeting because those who wish to make a comment or discuss policy may participate directly from their personal computer or from a computer location at their public library on Tuesday, November 30, 2010. Access to the discussion by means of the Internet will occur between 9:30 a.m. and 11 a.m. This more widely available personal computer access will replace the usual public hearing.

Any individual or organization may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Action Plan for FFY 2011 and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to participate must register in advance. Contact Daniel Fox at (717) 720-7412 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. During the meeting, if support is required, call (717) 720-7401. The meeting will be shortened if no one testifies or if there is minimal response.

Persons with a disability who wish to participate in the public meeting should contact Daniel Fox, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7412 to discuss how the Department can accommodate their needs. Text telephone calls can be placed through the Pennsylvania

AT&T Relay Service at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

Written Comments

Written testimony, in lieu of Internet testimony, must be submitted by 5 p.m., Monday, December 6, 2010. Submit comments to Daniel Fox, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225.

Pennsylvania Housing Advisory Committee Meeting

The Commonwealth has a Pennsylvania Housing Advisory Committee (PHAC) comprised of appointed members. PHAC is responsible for reviewing Statewide housing, support services, needs and priorities as well as advising the Department in the preparation of the Commonwealth Consolidated Plan and the coordination of Federal, State and local resources to manage the implementation of this plan. A meeting of the PHAC will be held on Monday, December 13, 2010, at 10 a.m. in the Board Room of the Pennsylvania Housing Finance Agency located at 211 North Front Street, Harrisburg, PA 17105. Meetings of this committee are open to the public under 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act).

Anyone who wants to participate in the PHAC meeting must register in advance. Contact Dan Fox at (717) 720-7412 to receive registration instructions at least 24 hours prior to the meeting date. During the meeting, if support is required, call (717) 720-7412.

Persons with a disability who wish to participate in the PHAC meeting should contact Daniel Fox, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7412 to discuss how the Department can accommodate their needs.

Purpose

The Commonwealth's Plan is the annual update to the 5-Year Consolidated Plan for FFY 2009-2013. This Action Plan will describe how the programs will be administered in 2011. HUD must approve this Plan for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification describing that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the type, location and number of affordable housing units generated and preserved in this Commonwealth, as well as the infrastructure and public facilities, services and other economic development initiatives that communities in this Commonwealth will undertake.

Content

The Consolidated Plan for FFY 2009-2013 will be updated through this document. There are no significant changes included in the document for 2011. In addition, the Commonwealth will update its action steps to address impediments to fair housing.

Public Review

The Consolidated Plan is available on the Internet or in hard copy for public comment November 5, 2010, through December 10, 2010, at the following locations:

1. County offices, the Department's regional offices, and 27 district libraries; in this Commonwealth, call (717) 720-7412 for the locations.

2. Audiocassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association for the Blind—Harrisburg Area Radio Reading Services at (717) 238-2531.

3. The Draft Action Plan 2011 can be viewed on the Internet at <http://www.newpa.com/strengthen-your-community/technical-assistance/index.aspx>. The final plan will be made available again at these same locations following HUD approval.

AUSTIN J. BURKE,
Secretary

[Pa.B. Doc. No. 10-2105. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 17, 2010, at 10 a.m. in the Second Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-2106. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2010-2011 Career and Technical Education Equipment Grants

Applications for equipment grant funds are invited. The project period: substantial approval date to June 30, 2011. The maximum amount per project is \$50,000 per grant award.

1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers/area vocational-technical

schools that offer approved career and technical education programs, school districts with approved career and technical education agriculture programs and school districts with eight or more approved career and technical education programs two of which must be trade and industrial programs.

2. *Application Deadline*

Applications are due Friday, December 3, 2010, by 5 p.m.

3. *How to Apply*

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on Department's web site: www.pde.state.pa.us. On the left side, click on Elemen-

tary & Secondary Education, Grants and Subsidies, Career and Technical Education, Equipment Grants. Then scroll down and click on 2010-11 Funding Guidelines.

4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, Grants Funding, Advisor, Department of Education, Bureau of Career and Technical Education, Data Analysis, Assessment and Contracts Division, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 772-4853, jbonchalk@state.pa.us.

THOMAS E. GLUCK,
Acting Secretary

[Pa.B. Doc. No. 10-2107. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060950 (Sewage)	Lackawanna Trail High School Tunnel Hill Road Factoryville, PA 18419	Wyoming County Clinton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085910 (SEW)	Beth Yohe 1050 Drager Road Columbia, PA 17512	Lancaster County / Rapho Township	Little Chickies Creek / 7G	Y
PA0010375 (IW)	Lehigh Cement Company, LLC 200 Hokes Mill Road York, PA 17404-5540	York County / West Manchester Township	UNT Codorus Creek / 7H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0000345 (Industrial Waste)	PA American Water Clarion 425 Waterworks Road Clarion, PA 16214	Clarion County Clarion Borough	Clarion River (17-B)	Y
PA0035556 (Sewage)	PA DOT Rest Area 16 Safety Rest Area #16 Grove City, PA 16127	Lawrence County Plain Grove Township	Jamison Run (20-C)	Y
PA0004251 (Industrial Waste)	Advanced Cast Products Inc. 18700 Mill Street Meadville, PA 16335	Crawford County Vernon Township	Van Horne Creek (16-D)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0011231, Industrial Waste, SIC Code 4613, **ConocoPhillips Company and Buckeye Pipe Line Co. LP**, 5 Tek Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031. Facility Name: Chelsea Pipeline Station and Tank Farm. This existing facility is located in, **Delaware 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), Boozers Run a 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. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average stormwater runoff.

<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 (GPD)	XXX	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 002 are based on an average stormwater runoff.

<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 (GPD)	XXX	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 003 are based on an average stormwater runoff.

<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 (GPD)	XXX	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 103 are based on a design flow of 0.072 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 (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	75
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Ethylbenzene	XXX	XXX	XXX	Report	XXX	Report
Benzene	XXX	XXX	XXX	0.001	XXX	0.0025
Total BTEX	XXX	XXX	XXX	0.1	XXX	0.25
Toluene	XXX	XXX	XXX	Report	XXX	Report
Total Xylenes	XXX	XXX	XXX	Report	XXX	Report
MTBE	XXX	XXX	XXX	Report	XXX	Report

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

1. BAT/ELG Reopener
2. Change of Ownership
3. Product Contaminated Stormwater Runoff
4. PPC Planning
5. Other Discharges Associated with the Facility
6. Definition
7. 2/Month Sampling
8. Laboratory Certification
9. BTEX Measurement

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.

PA0026182, Sewage, **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446. This facility is located in Borough of Lansdale, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Lansdale Borough STP located at 652 West Ninth Street.

The receiving stream, an unnamed tributary to West Branch Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on an average flow of 2.6 MGD and a maximum monthly flow of 4.5 MGD.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(05-01 to 10-31)	11	17		22
(11-01 to 04-30)	22	33		44
Suspended Solids	30	45		60
Ammonia (as N)				
(05-01 to 10-31)	1.5			3.0
(11-01 to 04-30)	4.5			9.0
NO ₂ +NO ₃ as N				
(07-01 to 10-31)	9.5			19.0
(11-01 to 06-30)	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorous (as P)				
first 12 months				
(04-01 to 10-31)	2.0			4.0
(11-01 to 03-31)	Monitor/Report			
after 12 months				
(04-01 to 10-31)	0.8			1.6
(11-01 to 03-31)	1.6			3.2
Fecal Coliform	200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml in more than 10 percent of samples			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			
pH	Within limits of 6.0—9.0 Standard Units at all times			
Iron, Total	Monitor/Report			
Iron, Dissolved	Monitor/Report			
Aluminum, Total	Monitor/Report			
Total Residual Chlorine	0.013			0.043
Toxicity, chronic	Monitor/Report			
first 36 months			Report	
after 36 months			1.03 TUc	

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Chlorine Dosages
8. Proper Sludge Disposal
9. TMDL/WLA Analysis
10. WET Testing for Renewal
11. WET Testing Conditions
12. Operator Training
13. TRC Reporting
14. Stormwater Monitoring
15. Combined Sewer Overflow
16. Laboratory Certification

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

PA0028088, Sewage, SIC Code 4952, **Brown Township Municipal Authority**, 7748 State Route 655, Reedsville, PA 17084-9148. Facility Name: Brown Township STP. This existing facility is located in Brown Township, **Mifflin 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), Kishacoquillas Creek, is located in State Water Plan watershed 12-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 0.6 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	125	185	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	150	225	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	Report	Total Annual	XXX	XXX	XXX	XXX
Effluent Net	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Interim)		10,959	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Final)		XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report	XXX	XXX	XXX	4.0
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus	Report	Total Annual	XXX	XXX	XXX	XXX
Effluent Net	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Interim)		1,461	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Final)						

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.

PA0024708, Sewage, SIC Code 4952, **Union Township Municipal Authority**, PO Box 5625, Belleville, PA 17004-5625. Facility Name: Union Township STP. This existing facility is located in Union Township, **Mifflin 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), Kishacoquillas Creek, is located in State Water Plan watershed 12-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 0.65 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.44	XXX	1.45
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.28	XXX	0.93
CBOD ₅	136	217	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	163	243	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo					
	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	Report	Total Annual	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					
	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen		Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Interim)	XXX	11,872	XXX	XXX	XXX	XXX
Total Nitrogen		Total Annual				
Effluent Net (Final)						
Ammonia-Nitrogen						
May 1 - Oct 31	29	XXX	XXX	5.4	XXX	10.8
Ammonia-Nitrogen						
Nov 1 - Apr 30	76	XXX	XXX	14.1	XXX	28.2
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	10.8	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					
	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus		Total Annual	XXX	XXX	XXX	XXX
Effluent Net (Interim)	XXX	1,583	XXX	XXX	XXX	XXX
Total Phosphorus		Total Annual				
Effluent Net (Final)						

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.

PA0247731, Industrial Waste, SIC Code 5499, **DS Waters of America**, 1761 Newport Road, Ephrata, PA 17522-8761. Facility Name: Ds Waters Bottled Water Ephrata. This existing facility is located in West Earl Township, **Lancaster 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, Cocalico Creek is located in State Water Plan watershed 7-J 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 0.06 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.5	XXX	2.5
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	45	60
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Total Annual XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	Report	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Total Annual XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	XXX	XXX	1.0	2.0	2.5
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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: 570-327-3636.

PA0233986, Sewage, SIC Code 4952, **Aaron Kinter**, 301 Pleasant Valley Road, Cogan Station, PA 17728-8903. Facility Name: Kinter Residence Small Flow Treatment Facility. This proposed facility is located in Hepburn Township, **Lycoming County**.

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

The receiving stream(s), Long 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 and monitoring requirements for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)			200 colonies/100 ml as a geometric mean			

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

The EPA Waiver is in effect.

PA0008915, Industrial Waste, SIC Code 3229, **OSRAM SYLVANIA Inc.**, 1 Jackson Street, Wellsboro, PA 16901-1769. Facility Name: OSRAM SYLVANIA Inc.—Wellsboro Plant. This existing facility is located in Wellsboro Borough, **Tioga 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), Charleston Creek, is located in State Water Plan watershed 9-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 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
Temperature (° F)	XXX	XXX	XXX	XXX	Report	XXX
Heat Rejection Rate (MBTUs/day)						
Jan 1-31	XXX	107	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Feb 1-29	XXX	118	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Mar 1-31	XXX	283	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Apr 1-15	XXX	313	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Apr 16-30	XXX	313	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
May 1-15	XXX	206	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
May 16-31	XXX	343	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Jun 1-15	XXX	262	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Jun 16-30	XXX	262	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Jul 1-31	XXX	137	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Aug 1-15	XXX	122	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Aug 16-31	XXX	122	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Sep 1-15	XXX	96	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Sep 16-30	XXX	96	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Oct 1-15	XXX	96	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day)						
Oct 16-31	XXX	96	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Heat Rejection Rate (MBTUs/day) Nov 1-15	XXX	107	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day) Nov 16-30	XXX	86	XXX	XXX	XXX	XXX
Heat Rejection Rate (MBTUs/day) Dec 1-31	XXX	81	XXX	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	56	110	XXX	35	70	85
Oil and Grease	23	47	XXX	15	30	30
Total Copper	0.07	0.12	XXX	0.05	0.08	0.12
Fluoride	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed stormwater monitoring requirements for Outfall 002 are as follows:

<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>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Fluoride	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

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

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.

PA0009725, Industrial Waste, SIC Code 3399, **Jersey Shore Steel Company**, PO Box 5055, Jersey Shore, PA 17740-5055. Facility Name: Jersey Shore Steel Plant. This existing facility is located in Pine Creek Township, **Clinton 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), Unnamed Tributary to West Branch Susquehanna River, is located in State Water Plan watershed 9-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 based on a design flow of 0.2 MGD are as follows

<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
Total Suspended Solids	45	121	XXX	27	73	91
Oil and Grease	XXX	30	XXX	15	18	30

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Ammonia-Nitrogen May 1 - Oct 31	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Iron	7.5	15	XXX	3.0	6.0	7.5

The proposed stormwater monitoring requirements for Internal Monitoring Point 102 are as follows

Parameters	Mass (lb/day)			Concentration (mg/l)			Minimum Measurement Frequencies
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Copper	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/6 months
Total Lead	XXX	XXX	XXX	XXX	Report	XXX	1/6 months

The proposed Chesapeake Bay nutrient monitoring requirements for Outfall 001 are as follows

Parameters	Mass (lbs)			Concentration (mg/l)		Minimum Measurement Frequencies
	Monthly	Annual	Minimum	Monthly Average	Maximum	
Ammonia—N	Report	Report		Report		2/month
Kjeldahl—N	Report			Report		2/month
Nitrate-Nitrite as N	Report			Report		2/month
Total Nitrogen	Report	Report		Report		2/month
Total Phosphorus	Report	Report		Report		2/month

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.

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

PA0263711, Sewage, NAICS Code 221320, **Benezette Township**, P. O. Box 10, Benezette, PA 15821. Facility Name: Benezette WWTP. This proposed facility is located in Benezette Township, **Elk County**.

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

The receiving stream(s), Trout Run, is located in State Water Plan watershed 8-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 0.040 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	8.0	13	XXX	25	40	50
Total Suspended Solids	10	15	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report**		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	3500*			
Net Total Phosphorus	Report	0*			

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. 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, 2011. 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, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR - Annual Nutrient Summary by November 28, 2011.

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

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

WQM Permit No. 2572201, Industrial Waste, **Amendment No. 1**, North East Borough, 31 West Main Street, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: The applicant is requesting a WQM Permit Amendment to authorize previously constructed wastewater handling facilities at the Authority's water treatment plant. This involves upgrades to wastewater settling lagoons.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10-G558-R	Telvil Corporation 527 Main Street Harleysville, PA 19438	Chester	East Coventry Township	Unnamed Tributary Pigeon Creek/Schuylkill River (HQ-TSF)
PAI01 151031	Brandywine Operating Partnership, LP 555 East Lancaster Ave, Ste 100 Radnor, PA 19087	Chester	East Whiteland Township	Little Valley Creek (EV)

NOTICES

6431

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151032	Unionville Equine Associates And Steven J. Berkowitz 25 Webster Lane Oxford, PA 19363	Chester	Upper Oxford Township	Unnamed Tributary West Branch Big Elk Creek (HQ-TSF-MF)
PAI01 151033	Harrison Builders, LLC 316 Schoolhouse Road West Grove, PA 19390	Chester	West Brandywine Township	West Branch Brandywine Creek (HQ-TSF-MF)
PAI0115 1034	Norbertine Fathers, Inc. 220 South Valley Road Paoli, PA 19301	Chester	Willistown Township	Crum Creek (HQ-CWF)
<i>Northeast Region: Watershed Management Program Manager; 2 Public Square, Wilkes Barre, PA 18711-0790</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904015(1)	2204 Route 100 Professional Office Campus, LLC 6235 Hamilton Blvd., Su 212 Allentown, PA 18106	Lehigh Co.	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
<i>Wayne Conservation District: 648 Park St., Honesdale, PA 18431 570-253-0930</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410005	Silvio Vitiello 563 Carlton Rd. Tobyhanna, PA 18466	Wayne	Dreher Twp.	Wallenpaupack Creek (HQ-CWF, MF)
<i>Lackawanna Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433 570-281-9495</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023510005	William Davis McDade Park 1 Bald Mountain Rd. Scranton, PA 18504-9779	Lackawanna	Covington Twp	Roaring Brook (HQ-CWF, MF) Langan Creek (HQ-CWF, MF)
<i>Northampton Conservation District: 14 Gracedale Ave., Greystone Bldg., Nazareth, PA 18064-9211</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024810005	Richard Bartolacci Fairfield Development Associates 3864 Courtney St., Su. 140 Bethlehem PA 18017	Northampton	Bethlehem Twp. Lower Nazareth Twp., Palmer Twp	UNT to Bushkill Creek (HQ-CWF, MF)
<i>Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032104004-R	Alex Kopicki Skipjack Pennsylvania, LLC 8601 Robert Fulton Drive, Suite 200 Columbia, MD 21046	Cumberland	Silver Spring Township	Trindle Spring Run/HQ
ESCP22100801	Harrisburg Authority 212 Locust Street Harrisburg, PA 17101	Dauphin	Rush Township	Clark Creek/HQ-CWF
<i>Northcentral Region: Watershed Management Program Manager; 208 West Third Street, Williamsport, PA 17701</i>				
<i>Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F089R	Daniel Hawbaker Gray's Woods Partnership 1952 Waddle Road State College, PA 16804	Centre	Harris Township Patton Township	Buffalo Run HQ-CWF Spruce Creek 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>
John M. Hess 502 West Lincoln Road Lititz, PA 17543	Lancaster	121.4	3.02	Swine / Beef	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 6610502, Public Water Supply.

Applicant	Horizon Community Water System (Mountain View Estates) RR1 Box 181B Falls, Pa
[Township or Borough]	Exeter Twp, Wyoming County
Responsible Official	James Meade
Type of Facility	Public Water System

Consulting Engineer Michael Goodwin P.E.
Milnes Engineering Inc.
12 Frear Hill Rd
Tunkhannock, Pa

Application Received Date 8/19/10

Description of Action The permitting of an existing water system with modifications to meet the groundwater rule.

Application No. 4510506, Public Water Supply.

Applicant **Pocono Manor Investors PT1, LP**

[Township or Borough] Pocono Township
Monroe County

Responsible Official Jim Cahill, Managing Partner
The Inn at Pocono Manor
P. O. Box 38
Pocono Manor, PA 18349

Type of Facility Community Water System

Consulting Engineer Joseph F. Mullen, PE
Pennoni Associates, Inc.
100 North Wilkes-Barre Boulevard
Suite 409
Wilkes-Barre, PA 18702
570-824-2200

Application Received Date May 3, 2010

Description of Action Application for a 1083 unit expansion to the existing Pocono Manor development, to include construction of a 700,000 gallon finished water storage tank, a distribution system and reevaluation of Well Nos. 2 and 3 for approval of increased pumping rates. The application also includes an application to transfer the CWS from PURECO, Inc. to Pocono Manor Investors, LP.

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

Permit No. 0610510, Public Water Supply.

Applicant **Borough of Fleetwood**

Municipality Fleetwood Borough

County **Berks**

Responsible Official Eric Burkert, Water Department
Head
110 West Arch Street
Suite 104
Fleetwood, PA 19522

Type of Facility Public Water Supply

Consulting Engineer Bradley D. Smith, P.E.
ARRO Consulting, Inc.
50 Berkshire Court
Suite 104
Wyomissing, PA 19610

Application Received: 6/24/2010

Description of Action Switching from soda ash to sequest for corrosion control.

Permit No. 0610522, Public Water Supply.

Applicant **Wernersville Municipal Authority**

Municipality South Heidelberg Township

County **Berks**

Responsible Official Michael J. Drobeck, Chairman
PO Box 145
250 North Elm Street
Wernersville, PA 19566

Type of Facility Public Water Supply

Consulting Engineer Richard M. Schloesser, P.E.
Spotts, Stevens and McCoy, Inc.
1047 North Park Road
250 North Elm Street
Reading, PA 17610-0307

Application Received: 9/29/2010

Description of Action Installation of chlorination facilities for Well No. 7. Demonstration of 4-Log Treatment of Viruses for GWR.

Permit No. 2110506, Public Water Supply.

Applicant **Conodoguinat Mobile Estates**

Municipality Lower Mifflin Township

County **Cumberland**

Responsible Official John D Walter, Owner
105 Carlisle Road
Newville, PA 17241

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: 9/16/2010

Description of Action Installation of a 30,000 gallon storage tank.

Permit No. 0610529, Public Water Supply.

Applicant **Reading Area Water Authority**

Municipality Ontelaunee Township

County **Berks**

Responsible Official Dean Miller, Executive Director
815 Washington Street
Reading, PA 19601

Type of Facility Public Water Supply

Consulting Engineer Thomas L Weld Jr, P.E.
BCM Engineers
920 Germantown Pike
Plymouth, PA 19462

Application Received: 10/4/2010

Description of Action Installation of sodium hypochlorite treatment facilities inside existing Ames Way Booster Station.

Application No. 0610505, Minor Amendment, Public Water Supply.

Applicant **Brandywine Water Company**

Municipality Longswamp Township

County **Berks**

Responsible Official Fiorino Grande, President
2213 Quarry Road
West Lawn, PA 19609

Type of Facility Public Water Supply

Consulting Engineer Mark A. Bahnick, P.E.
Van Cleef Engineering Associates
551 Main Street
Bethlehem, PA 18018

Application Received: 3/15/2010

Description of Action New Community Water System
consisting of two groundwater well
sources, treatment and a finished
water storage tank.

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

Application No. 5310501—Construction Public Water Supply.

Applicant **Galeton Borough Authority**
[Township or West Branch Township
Borough]

County **Potter**

Responsible Official Bernard Hoppe, Vice President
Galeton Borough Authority
4 Sherman Street
Galeton, PA 16922

Type of Facility Public Water Supply -
Construction

Consulting Engineer Michael J. Peleschak, P.E.
alfred benesch & company
400 One Norwegian Plaza
Pottsville, PA 17901

Application Received October 22, 2010

Description of Action Intake structure design and
information.

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

Application No. 2510505, Public Water Supply

Applicant **Erie City Water Authority**

Township or Borough Harborcreek Township/**Erie County**

Responsible Official Craig H. Palmer, Engineering
Services Manager

Consulting Engineer Edward J. St. John
Camp Dresser & McKee (CDM)
1100 Superior Avenue, Suite 620
Cleveland OH 44114

Application Received Date 09/22/2010

Description of Action Conversion of conventional rapid
sand filtration plant to
Ultrafiltration Membrane
w/associated improvements.
Located at Richard S. Wasielewski
WTP (formerly known as the
Sommerheim WTP.)

Application No. 2510506, Public Water Supply

Applicant **Erie City Water Authority**

Township or Borough Erie City/**Erie County**

Responsible Official Craig H. Palmer, Engineering
Services Manager

Consulting Engineer Peter Hirneisen
EWW Project Engineer
Erie Water Works Engineering
Services
240 West 12th Street
Erie PA 16501-1706

Application Received Date 10/14/2010

Description of Action Installation of a Bulk Sodium
Hypochlorite Feed System inside
of Camphausen Pump Station.

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. 5810503MA, Minor Amendment.

Applicant **Aqua Pennsylvania Inc.
Honesdale Division
(Thornhurst Water System)**
1775 North Main St
Honesdale, Pa

[Township or Lehigh Twp., **Lackawanna**
Borough] **County**

Responsible Official Steven Clark, Division Manager

Type of Facility Public Water System

Consulting Engineer Douglas Berg, P.E.
Entech Engineering Inc.
4 South Fourth St
Reading, Pa

Application Received Date 10/1/10

Description of Action The construction of chlorine
contact pipelines for several wells
in the Thornhurst system for
compliance with the groundwater
rule.

Application No. 5810503MA, Minor Amendment.

Applicant **Pennsylvania American Water
Co.**
800 West Hershey Park Drive
Hershey, Pa

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

Responsible Official Daniel Rickard

Type of Facility Public Water System

Consulting Engineer Daniel Rickard P.E.

Application Received Date 10/6/10

Description of Action The installation of baffles in the
clearwell at the Forest City water
treatment plant.

Application No. 6410505MA

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] Hawley Borough
Wayne County

Responsible Official Steve Clark, Honesdale Div. Manager
 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
 P. O. Box 32
 Reading, PA 19603
 610-645-4207

Application Received Date October 1, 2010

Description of Action Application for installation of a chlorine analyzer and recorder at each well site and construction additional conveyance piping to achieve compliance with 4-log disinfection of viruses at the Paupackan Lake Estates CWS.

Application No. 5210508MA

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] Palmyra Township
Pike County

Responsible Official Steve Clark, Honesdale Div. Manager
 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
 P. O. Box 32
 Reading, PA 19603
 610-645-4207

Application Received Date October 1, 2010

Description of Action Application for installation of a chlorine analyzer and recorder at each well site and construction additional conveyance piping to achieve compliance with 4-log disinfection of viruses at the Tanglewood "Golf" CWS.

Application No. 4010511MA

Applicant **Echo Valley Mobile Home Park**
 [Township or Borough] Shavertown Borough
Luzerne County

Responsible Official Joseph G. Kester, President
 Echo Valley Mobile Home Park
 4 Ramblewood Drive
 Shavertown, PA 18708

Type of Facility Community Water System

Consulting Engineer Frank S. Westawski, PE
 August Engineering Company
 300 Aleeda Boulevard
 Bear Creek Township, PA 18702
 570-823-6866

Application Received Date September 27, 2010

Description of Action Application for construction of an existing standpipe.

Application No. 6410506ma, Minor Amendment.

Applicant **Aqua Pennsylvania Inc.**
 Honesdale Division
 (Waymart Water System)
 1775 North Main St
 Honesdale, Pa

[Township or Borough] Canaan Twp., **Wayne County**

Responsible Official Steven Clark, Division Manager

Type of Facility Public Water System

Consulting Engineer Douglas Berg, P.E.
 Entech Engineering Inc.
 4 South Fourth St
 Reading, Pa

Application Received Date 10/1/10

Description of Action The construction of chlorine contact pipelines for several wells in the Waymart Water system for compliance with the groundwater rule.

Application No. 5210509, Minor Amendment.

Applicant **Aqua Pennsylvania Inc.**
Honesdale Division
(Fawn Lake Water System)
 1775 North Main St
 Honesdale, Pa

[Township or Borough] Lackawaxen Twp., **Pike County**

Responsible Official Steven Clark, Division Manager

Type of Facility Public Water System

Consulting Engineer Douglas Berg, P.E.
 Entech Engineering Inc.
 4 South Fourth St
 Reading, Pa

Application Received Date 10/1/10

Description of Action The construction of chlorine contact pipelines for several wells in the Fawn Lake Water system for compliance with the groundwater rule.

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

Application No. 0410513 MA, Minor Amendment.

Applicant **Ohioville Borough Municipal Authority**
 6268 Tuscarawas Road
 Industry, PA 15052

[Township or Borough] Ohioville Borough

Responsible Official Clarence Dawson, Chairman
Ohioville Borough Municipal Authority
6268 Tuscarawas Road
Industry, PA 15052

Type of Facility Water supply system

Consulting Engineer Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

Application Received Date October 18, 2010

Description of Action Interconnection with Brighton Township Municipal Authority and a waterline extension along Eastwood Road and Forrest Hill Drive.

Application No. 2610510MA, Minor Amendment.

Applicant **North Fayette County Municipal Authority**
1634 University Drive
PO Box 368
Dunbar, PA 15431

[Township or Borough] Dunbar Township

Responsible Official Robert Softcheck, Manager
North Fayette County Municipal Authority
1634 University Drive
PO Box 368
Dunbar, PA 15431

Type of Facility Water supply system

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

Application Received Date October 18, 2010

Description of Action Construction of the 576,000 gallon Works Hill water storage tank.

Application No. 2610511MA, Minor Amendment.

Applicant **North Fayette County Municipal Authority**
1634 University Drive
PO Box 368
Dunbar, PA 15431

[Township or Borough] South Union Township

Responsible Official Robert Softcheck, Manager
North Fayette County Municipal Authority
1634 University Drive
PO Box 368
Dunbar, PA 15431

Type of Facility Water supply system

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

Application Received Date October 18, 2010

Description of Action Construction of the 545,700 gallon Walnut Hill Road water storage tank.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth

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

WA4-1011, Water Allocations. Ohioville Borough Municipal Authority, 6268 Tuscarawas Road, Industry, PA 15052, **Beaver County**. The applicant is requesting the right to purchase 250,000 gallons of water per day, average day, from the Brighton Township Municipal Authority.

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.

tion 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: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Franklin Raso, Sr. Property, Lot 142, Woodland Hills, Paupack Township, **Wayne County**. Dawn Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her client, Marie Raso, 32 Grandview Avenue, Upper Saddle River, NJ 07458), concerning the remediation of soil found to have been impacted by No 2 fuel oil as a result of a release from an underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The site will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in the local newspaper serving the general area sometime in the near future.

Former Ashland Specialty Chemical Company, 400 Island Park Road, Glendon Borough, **Northampton County**. Nicholas DeSalvo, ARCADIS U.S., Inc., 500 N. Gulph Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate (on behalf of his client, Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195-1501), concerning the remediation of soil and groundwater found to have been impacted by chlorinated VOCs as a result of historical chemical, industrial processes and disposal on the property, associated with operations prior to Ashland's ownership of the facility. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and the Site-Specific Standard for soil and groundwater. A summary of the Notice of Intent to Remediate was published in *The Express Times* on August 6, 2010.

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

Millersville University Lancaster Campus / PA Academy of Music, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Union National Community Bank, 570 Lausch Lane, Lancaster, PA 17601, submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents. The site will be remediated to a Site-Specific Standard and will be developed for academic classrooms and offices.

Lexington Mall, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Lexington Mall Partners, LP, 101 Lakemont Park Boulevard, Altoona, PA 16602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals and organic constituents.

The site will be remediated to the Site-Specific Standard and will continue as a commercial and retail complex.

Kachel's Ford, Cumru Township, **Berks County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Kachel's Ford, 2400 Lancaster Pike, Reading, PA 19606, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline from historical operations as an automotive service and repair garage. The site will be remediated to the Site-Specific standard and future use is unknown.

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

H. Shakespeare and Sons Inc., City of Dubois, **Clearfield County**. Skelly and Loy, Inc., 3280 William Pitt Way, Pittsburgh, PA 15238 on David Krentzman, Joe Krentzman & Son, Inc., 3 Plant Road, Lewistown, PA 17044 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Arsenic (Dissolved), Barium (Dissolved), Cadmium (Dissolved), Lead (Dissolved), Selenium (Dissolved), Benzene, Chloromethane, Ethylbenzene, Toluene, Xylene (Total), 1,1,1, and 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, tetrachloroethene, 1-Methylnaphthalene, 2-Methylnaphthalene, and Naphthalene. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and the Site-specific Standard for groundwater. The future use of property will remain an industrial/commercial use property.

Brian and Margaret Rhodomoyer, Fishing Creek Township, **Columbia County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Brian and Margaret Rhodomoyer, 3014 State Route 487, Orangeville, PA 17859 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. 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 Item* on October 15, 2010. The site will remain residential.

Stella-Jones Corp. Sandy Township, **Clearfield County**. Stella-Jones Inc., 278 Park St., Truro, Nova Scotia, Canada B2N 5C1 has submitted a Notice of Intent to Remediate groundwater contaminated with dissolved phase creosote chemicals at the Stella Jones Corp., 392 Larkeytown Road, DuBois, PA 15801. The remediation standard is unknown at this time. The property will continue to be used for industrial purposes.

Former Advanced Metal Coatings. Watsontown Borough, **Northumberland County**. The ELM Group, Inc., 2475 Baglyos Circle, Bethlehem, PA 18020 on behalf of Moran Industries, Inc., 601 Liberty St., Watsontown, PA 17777 has submitted a Notice of Intent to remediate soil contaminated with petroleum from an underground storage tank. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on September 24, 2010. The future use of the property will consist of commercial purposes including warehousing.

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.

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

56-00311: Somerset Regional Water Resources, LLC (888 Stoystown Road, Somerset, Pa 15501) for construction and operation of Industrial Wastewater Treatment Facility in Somerset Township, **Somerset County**.

03-00025: P.J. Greco Sons of Kittanning, Inc. (593 Tarrtown Road, Kittanning, Pa 16201) for installation of air cleaning device for an exiting hammermill (scrap shredding unit) at PJ Greco Kittanning Facility in East Franklin, **Armstrong County**.

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

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

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

15-0035A: Sabic Innovative Plastics (251 South Bailey Road, Thorndale, PA 19372) for replacement of a burn-off oven at an existing facility in Caln Township, **Chester County**. The proposed source is used to burn plastic resins off of the metal screws used for extruding plastic resins. Some of the plastic resins contain some halogens and emit less than 1 ton per year of hazardous air pollutants. The proposed burn-off oven may increase nitrogen oxide emissions by 1.53 tons per year and volatile organic compounds by 4.34 tons per year.

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

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

67-05092F: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17406) for installation of an improved emissions control system for the green coffee bean cleaning system at their coffee roasting plant in East Manchester Township, **York County**.

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

Plan Approval 67-05092F authorizes the installation of a cartridge filter to replace the baghouse which now controls emissions from the green coffee bean cleaning system. The cartridge filter will reduce potential particulate matter emissions from the facility by an estimated 3.4 tons per year. The Plan Approval and 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 PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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.

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

22-03004A: H.B. Reese Candy Co. (925 Reese Avenue, Hershey, PA 17033) for an upgrade to the non-fat dry milk powder storage and control area at their chocolate candy manufacturing facility in Derry Township, **Dauphin County**.

The proposed modification has the potential (w/controls) to increase facility emissions of PM10 by 0.38 tpy. The actual air emissions increase from the proposed project is expected to be negligible since the applicant will be upgrading the existing aforementioned system (i.e., replacing old control with new control).

The plan approval and subsequently amended facility-wide operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

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

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

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

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

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

PA-30-00150A: Wellington Development—WVDT, LLC. (1620 Locust Avenue, Fairmont, WV, 26554) for installation of two (2) waste coal fired, circulating fluidized bed boilers (CFBs) with a net generating capacity of 525 megawatts by Wellington Development - WVDT, LLC to be at the Greene Energy site in Cumberland Township, **Greene County**.

Under 25 Pa. Code, Section 127.44(a), 127.45 and 127.48 that the Pennsylvania Department of Environmental Protection (DEP) will hold public meeting and hearing on December 7, 2010 at United Mine Workers Hall located at Pershing Boulevard, Nemaquin PA, 15351. The meeting will start at 6:00 p.m., and the hearing will start at 7:00 p.m.

The purpose of the meeting and hearing is to answer questions and take testimony concerning Wellington Development—WVDT, LLC's (Wellington's) application to extend and modify Plan Approval PA-30-00150A. The Department intends to approve Wellington's requests by extending the Plan Approval for 5 years, and by modifying Conditions 3.d)(3), Condition 4.a) and b), and Condition 5.a). Condition 3.d)(3) shall be changed to use language found at 40 CFR Section 52.21(b)(9)(i). Condition 4.a) and b) shall be changed to limit emissions of hazardous air pollutants (HAPs) from the facility to be below minor source thresholds. Condition 5.a) shall be changed to require additional testing for HAPs.

PA-30-00150A was originally issued to authorize the installation of two waste coal fired, circulating fluidized bed boilers (CFBs) with a net generating capacity of 525 megawatts by Wellington Development—WVDT, LLC to be located at the Greene Energy site in Cumberland Township, Greene County. Other air emission sources at the facility include material handling operations for fuel, ash, urea, lime and limestone, as well as limestone dryers, a natural gas-fired auxiliary boiler, a cooling tower, and emergency diesel engines. Control technology for each CFB will be a spray dryer absorber or flash dryer for SO₂ and acid gas control (as BACT and BAT), a fabric collector for particulate control (as BAT), and selective non-catalytic reduction (SNCR) for NO_x control (as LAER and BACT). Best available technology for other sources will be the control of emissions through inherent low-emitting designs, baghouses, or good operating practices.

This installation will result in facility emissions of less than 3,767 tons of SO₂, 1,950 tons of NO_x, 4,865 tons of CO, 125 tons of VOC, 290 tons of particulate matter, 290 tons of PM10 each year, 10 tons per year of a single HAP, and 25 tons per year of all HAPs combined. The original application was reviewed in accordance with Prevention of Significant Deterioration and Non-Attainment New Source Review requirements. Site is subject to State and Federal requirements, including 40 CFR 60 Subparts Da, Y, and OOO. To comply with these requirements, the Plan Approval contains conditions relating to emission limitations, testing, work practices, monitoring, recordkeeping and reporting. Condition 3.d)(3), Condition 4.a) and b), and Condition 5.a) are being modified under this authorization.

For the original approval, the use of an alternate air modeling program, AERMOD, was approved by the Department. The modeling indicated the following impacts, which were evaluated and subject to public comment as part of the earlier Plan Approval:

Pollutant	Averaging Period	Modeling Results				NAAQS Analysis	
		Significant Impact Modeling Sig. Level $\mu\text{g}/\text{m}^3$	WVDT Impact $\mu\text{g}/\text{m}^3$	Increment PSD Increment	Consumption WVDT Impact $\mu\text{g}/\text{m}^3$	NAAQS $\mu\text{g}/\text{m}^3$	WVDT Impact $\mu\text{g}/\text{m}^3$
PM10	Annual	1	9.35	17	9.41	50	.05*
	24-hour	5	38.04	30	29.39	150	.18
SO ₂	Annual	1	2.3	20	2.23	80	.44
	24-hour	5	14.26	91	13.03	365	.16*
	3-hour	25	50.27	512	37.99	1,300	2.44*
NO ₂	Annual	1	.2	25		100	
CO	1-hour	500	299.55	N/A		40,000	
	8-hour	2,000	.84	N/A		10,000	

For the original approval, the ambient air quality program CALPUFF was used to model effects of emissions on Prevention of Significant Deterioration (PSD) Class I area. Based on modeling information provided by the applicant, the degree of increment consumption attributable to the facility, which was evaluated and subject to public comment as part of the earlier Plan Approval, is as follows:

Class I Area	Date of Impact	PSD Increments ($\mu\text{g}/\text{m}^3$)	24-Hour SO ₂ Cumulative Concentration ($\mu\text{g}/\text{m}^3$)	Significant Impact Level ($\mu\text{g}/\text{m}^3$)	24-Hour SO ₂ Greene Energy Concentration ($\mu\text{g}/\text{m}^3$)
James River Face	12/14/1996	5	1.0	0.2	0.4
James River Face	11/22/1996	5	0.7	0.2	0.3

* Additional modeling showed that WVDT emissions did not have not a significantly impact at receptors above the NAAQS.

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator Katherine Gresh, at (412) 442-4000, before December 7, 2010 to register. Commentators should provide three written copies of their remarks to aid in transcription. Each commenter's oral testimony shall be limited to 10 minutes.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Katherine Gresh or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

In accordance with PA Code Title 25 § 127.49, a 10-day comment period, from the date of the public hearing, will exist for the submission of comments or written protests. A person may oppose the proposed plan approval extension and modification by filing a written protest with the Department. Each written submittal must contain the following:

- Name, address, and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region - Field Operation
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

- The file containing the Plan Approval extension and modification application may be viewed at the address above. To obtain access to that file, or for additional information you may contact the following at the same address:

Barbara Hatch
Air Quality Program
412-442-5226

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

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

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

Contact: Edward Braun, Chief—Telephone: 215-685-9476

AMS 10194: Sunoco, Inc.—Frankford Plant (Margaret & Bermuda Streets, Philadelphia, PA 191137) to install to a replacement column of existing Storage Column CL-601 in the City of Philadelphia, **Philadelphia County**. The proposed replacement column will be identical in design, size, volume and configuration of the existing column. The ancillary equipment is remaining unchanged. All ports and dimensions will be unchanged. The unit will have a 0.1 tpy VOC emission limit. 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.

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

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

46-00091: Sunoco Partners Market & Term LP. (401 Market Street, Aston, PA 19014) for renewal of the Title V Operating Permit at 3920 Sunset Lane, Upper Moreland Township, **Montgomery County**. The initial permit was issued on July 19, 1999. The facility is a gasoline and fuel oil distribution station. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the

Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The facility is subject to CAM (40 CFR Part 64) at this time. The facility is subject to 40 CFR 63 Subpart BBBBBB with a compliance date of January 10, 2011. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

23-00024: Hanson Aggregates PA, LLC. (523 West Forge Road, Glen Mills, PA 19342) for operation of their facility in Thornbury Township and Middletown Township, **Delaware County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility is a crushing plant, with an associated asphalt plant that is operated under a separate State Only Operating Permit (No. 23-00105). There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00105: Hanson Aggregates PA, LLC. (523 West Forge Road, Glen Mills, PA 19342) for operation of their facility in Thornbury Township, **Delaware County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility is an asphalt plant, with an associated crushing plant that is operated under a separate State Only Operating Permit (No. 23-00024). There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

48-00044: Just Born, Inc. (1300 Stefko Boulevard, Bethlehem, PA 18017-6620) for operation of a candy and confectionery products manufacturing facility consisting of four (4) boilers, eight (8) candy manufacturing processes, and six (6) filter fabric control devices in the City of Bethlehem, **Northampton County**. This is a renewal of a State-Only Operating Permit.

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

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

36-05101: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422-2303) for operation of their Lititz Asphalt Plant in Warwick Township, **Lancaster County**. This is a renewal of a synthetic minor operating permit issued in 2005.

36-03070: Mark Line Industries of PA (502 Alexander Drive, Ephrata, PA 17522-9652) for operation of their mobile homes manufacturing facility in Ephrata

Township, **Lancaster County**. This is a renewal of a natural minor operating permit issued in 2005.

06-03071: Wolfe Dye and Bleach Works, Inc. (25 Ridge Road, Reading, PA 19555) for operation of their dyeing and bleaching facility in Perry Township, **Berks County**. This is a renewal of a natural minor operating permit issued in 2005.

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

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

26-00562: Coastal Lumber Co. (3302 Lobban Place, Charlottesville, VA 22903) for operation of a Wood-fired boiler at Hopwood Sawmill in South Union Township, **Fayette County**.

PUBLIC HEARINGS

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

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

PA-30-00150A: Wellington Development—WVDT, LLC. (1620 Locust Avenue, Fairmont, WV, 26554) to authorize the installation of two waste coal fired, circulating fluidized bed boilers (CFBs) with a net generating capacity of 525 megawatts by Wellington Development - WVDT, LLC to be located at the Greene Energy site in Cumberland Township, **Greene County**.

Under 25 Pa. Code, Section 127.44(a), 127.45 and 127.48 that the Pennsylvania Department of Environmental Protection (DEP) will hold public meeting and hearing on December 7, 2010 at United Mine Workers Hall located at Pershing Boulevard, Nemaquin PA, 15351. The meeting will start at 6:00 p.m., and the hearing will start at 7:00 p.m.

The purpose of the meeting and hearing is to answer questions and take testimony concerning Wellington Development—WVDT, LLC's (Wellington's) application to extend and modify Plan Approval PA-30-00150A. The Department intends to approve Wellington's requests by extending the Plan Approval for 5 years, and by modifying Conditions 3.d(3), Condition 4.a) and b), and Condition 5.a). Condition 3.d(3) shall be changed to use language found at 40 CFR Section 52.21(b)(9)(i). Condition 4.a) and b) shall be changed to limit emissions of hazardous air pollutants (HAPs) from the facility to be below minor source thresholds. Condition 5.a) shall be changed to require additional testing for HAPs.

PA-30-00150A was originally issued to authorize the installation of two waste coal fired, circulating fluidized bed boilers (CFBs) with a net generating capacity of 525 megawatts by Wellington Development—WVDT, LLC to be located at the Greene Energy site in Cumberland Township, **Greene County**. Other air emission sources at the facility include material handling operations for fuel, ash, urea, lime and limestone, as well as limestone dryers, a natural gas-fired auxiliary boiler, a cooling tower, and emergency diesel engines. Control technology for each CFB will be a spray dryer absorber or flash dryer for SO₂ and acid gas control (as BACT and BAT), a fabric collector for particulate control (as BAT), and selective non-catalytic reduction (SNCR) for NO_x control (as LAER and BACT). Best available technology for other sources will be the control of emissions through inherent low-emitting designs, baghouses, or good operating practices.

This installation will result in facility emissions of less than 3,767 tons of SO₂, 1,950 tons of NO_x, 4,865 tons of CO, 125 tons of VOC, 290 tons of particulate matter, 290 tons of PM₁₀ each year, 10 tons per year of a single HAP, and 25 tons per year of all HAPs combined. The original application was reviewed in accordance with Prevention of Significant Deterioration and Non-Attainment New Source Review requirements. Site is subject to State and Federal requirements, including 40 CFR 60 Subparts Da, Y. and OOO. To comply with these requirements, the Plan

Approval contains conditions relating to emission limitations, testing, work practices, monitoring, recordkeeping and reporting. Condition 3.d)(3), Condition 4.a) and b), and Condition 5.a) are being modified under this authorization.

For the original approval, the use of an alternate air modeling program, AERMOD, was approved by the Department. The modeling indicated the following impacts, which were evaluated and subject to public comment as part of the earlier Plan Approval:

Pollutant	Averaging Period	Modeling Results				NAAQS Analysis	
		Significant Impact Modeling Sig. Level $\mu\text{g}/\text{m}^3$	WVDT Impact $\mu\text{g}/\text{m}^3$	Increment Consumption PSD Increment	WVDT Impact $\mu\text{g}/\text{m}^3$	NAAQS $\mu\text{g}/\text{m}^3$	WVDT Impact $\mu\text{g}/\text{m}^3$
PM ₁₀	Annual	1	9.35	17	9.41	50	.05*
	24-hour	5	38.04	30	29.39	150	.18
SO ₂	Annual	1	2.3	20	2.23	80	.44
	24-hour	5	14.26	91	13.03	365	.16*
	3-hour	25	50.27	512	37.99	1,300	2.44*
NO ₂	Annual	1	.2	25		100	
CO	1-hour	500	299.55	N/A		40,000	
	8-hour	2,000	.84	N/A		10,000	

For the original approval, the ambient air quality program CALPUFF was used to model effects of emissions on Prevention of Significant Deterioration (PSD) Class I area. Based on modeling information provided by the applicant, the degree of increment consumption attributable to the facility, which was evaluated and subject to public comment as part of the earlier Plan Approval, is as follows:

Class I Area	Date of Impact	PSD Increments ($\mu\text{g}/\text{m}^3$)	24-Hour SO ₂ Cumulative Concentration ($\mu\text{g}/\text{m}^3$)	Significant Impact Level ($\mu\text{g}/\text{m}^3$)	24-Hour SO ₂ Greene Energy Concentration ($\mu\text{g}/\text{m}^3$)
James River Face	12/14/1996	5	1.0	0.2	0.4
James River Face	11/22/1996	5	0.7	0.2	0.3

*Additional modeling showed that WVDT emissions did not have not a significantly impact at receptors above the NAAQS.

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator Katherine Gresh, at (412) 442-4000, before December 7, 2010 to register. Commenters should provide three written copies of their remarks to aid in transcription. Each commenter's oral testimony shall be limited to 10 minutes.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Katherine Gresh or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

In accordance with PA Code Title 25 § 127.49, a 10-day comment period, from the date of the public hearing, will exist for the submission of comments or written protests. A person may oppose the proposed plan approval extension and modification by filing a written protest with the Department. Each written submittal must contain the following:

- Name, address, and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

* The file containing the Plan Approval extension and modification application may be viewed at the address above. To obtain access to that file, or for additional information you may contact the following at the same address:

Barbara Hatch
Air Quality Program
412-442-5226

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

45-318-033: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for installation and

operation of a conveyerized liquid paint line (CLPL) at their facility in Coolbaugh Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Tobyhanna Army Depot (11 Hap Arnold Blvd. Tobyhanna, PA 18466) for their facility located in Coolbaugh Twp, Monroe County. This Plan Approval No. 45-318-033 will be incorporated into their company's Synthetic Minor Permit #45-00004 through an administrative amendment at a later date.

Plan Approval No. 45-318-033 is for installation and operation of a conveyerized liquid paint line (CLPL) at their facility located in Coolbaugh Township, Monroe County. Presently Tobyhanna Army Depot operates Source ID101, also known as the Industrial Operations Facility (IOF), consisting of eight (8) Spray Paint Booths, each of which has its own drying oven. These booths are used for prime coating and top coating spray paint activities. By this application, the TYAD has proposed to construct a new conveyerized liquid paint line (CLPL). The proposed CLPL will be comprised of two (2) primer spray booths, a primer cure oven, two (2) top coat spray booths, a top coat drying oven, and a chain driven conveyor to sequence parts through these components. The CLPL will handle the current workload of small parts more efficiently. Large parts would continue to be handled in the existing eight (8) spray booths. Actual workload is expected to remain unchanged, so there will be no net increase in overall annual production activities, and no net increase in air emissions from the facility as a result of this modification to the IOF source. The TYAD will use high volumes low-pressure (HVLP) spray system to spray the paint inside each booth manually. All paints and coatings are code-compliant with the VOC limits of § 129.52, Table I, Category 10 (f) for Extreme Performance Coatings. TYAD will maintain actual VOC emissions from the facility below 49.9 TPY on a 12 month rolling sum basis. VOC emissions from the source ID 101 will be less than 20 tpy on a 12 month rolling sum basis after modification. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No. 45-318-033

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspa-

per or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); 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). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control 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).

The following permit applications to conduct mining activities have been received by the Department. A copy of an 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 may be submitted by a person or an officer or head of 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 the person submitting comments or objections, the 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. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters. The limits will be in the ranges specified in Table 1.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are 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 Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before each application within 30 days of this public notice. Comments received within the comment period will be consid-

ered in the final determinations regarding the NPDES permit applications. A comment must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and 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 Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

30841312 and NPDES Permit # PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County** to add surface activity site acreage to install 29 degasification boreholes. Surface Acres Proposed 25.5. No additional discharges. Application received: July 1, 2010.

32971303 and NPDES Permit # PA0215066, Penn View Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the Penn View Mine in West Wheatfield and Burrell Townships, **Indiana County** for a post-mining land use change from pastureland and forestland to unmanaged natural habitat. No additional discharges. Application received: July 8, 2010.

30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install two (2) ventilation boreholes, Surface Acres Proposed 7.1. No additional discharges. Application received: July 23, 2010.

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

32663056 and NPDES No. PA0606111, Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 748.0 acres. Receiving stream(s): unnamed tributaries to Yellow Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received: October 12, 2010.

56950110 and NPDES No. PA0213217, Heritage Coal and Natural Resources, LLC, 208 W. Mud Pike, Rockwood, PA 15557, permit renewal for continued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 166.8 acres. Receiving stream(s): unnamed tributaries to/and Flag

Run; unnamed tributaries to/and Casselman River, Crab Run classified for the following use(s): cold water and warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 13, 2010.

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

10100102 and NPDES Permit No. PA0258962. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Commencement, operation and restoration of a bituminous strip operation in Allegheny Township, **Butler County** affecting 68.0 acres. Receiving streams: Unnamed tributaries to North Branch Bear Creek, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 13, 2010.

5380-10100102-E-1. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Application for a stream encroachment to conduct mining and support activities within 100 feet but no closer than 25 feet to unnamed tributaries No. 6a and 6b to North Branch Bear Creek in Allegheny Township, **Butler County**. Receiving streams: Unnamed tributaries to North Branch Bear Creek, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 13, 2010.

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

17050101 and NPDES No. PA0256153. Glenn O. Hawbaker, Inc. (1952 Waddle Road, Suite 203, State College, PA 16803). Transfer of an existing bituminous surface and auger mine from Kenneth K. Rishel & Sons, Inc. and renewal of this existing mine located in Penn and Pike Townships, **Clearfield County** affecting 267.9 acres. Receiving streams: Bilger Run, Fenton Run, Kratzer Run and unnamed tributaries to Kratzer Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 12, 2010.

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

54900205C16. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), boundary correction to add 87.0 acres (44.6 for ash placement) for a total permit of 673.5 acres in Mahanoy Township, **Schuylkill County**, receiving stream: Mill Creek. Application received: October 15, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

4274SM26 and NPDES Permit No. PA0599174. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Cromwell Township, **Huntingdon County**. Receiving stream(s): Shade Creek classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 8, 2010.

34102802, National Quarries, LLC, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Juniata River. Permit received: October 12, 2010.

34102803, National Quarries, LLC, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial

minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Juniata River. Permit received: October 12, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-488. Eastern Metal Recycling Terminal LLC, 1500 S. 6th Street, P. O. Box 496, Camden, NJ 08104, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain four stormwater outfall structures, which vary between 38-inches to 48-inches in diameter in and along the Delaware River associated with the redevelopment of the former Foamex site.

The site is located near the intersection of Saville Avenue and 2nd Street. (Bridgeport, NJ-PA USGS Quadrangle N: 3.75 inches; W: 1.75 inches.)

E23-487. County of Delaware, 201 W. Front Street, Media, PA 19063, Middletown and Aston Townships, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities across/along 100-year floodplain of Chester Creek associated with the proposed 10-foot wide, 14,600-foot long paved trail on existing railroad tracks, impacting approximately 0.01 acre of wetlands:

1. To removal the existing rails, ties and ballasts.
2. To construct and maintain a 10-foot wide paved trail.
3. To place and maintain rip-rap associated with stabilization of inlets, and outlets.
4. To maintain the three existing box culverts.
5. To maintain the five existing bridges.
6. To replace, and maintain seven existing culverts.
7. To replace, and maintain existing Timber bridge.
8. To restore/stabilize and maintain approximately a 700-ft. section of the Chester Creek streambank between station 314+00 and 321+00.

The site is located approximately between Chester Creek Road—Station 199+00 and Lenni Road—Station 345+00. (Media, PA USGS Quadrangle, N: 3.00 inches; W: 8.00 inches.)

E09-949- Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Tincum Township, **Bucks County**. ACOE Philadelphia District

To perform the following water obstruction and encroachment activities across Tincum Creek (EV) associated with Geigel Hill Road bridge replacement and minor approach roadway modification Project:

1. To construct and maintain a single 53'-10" span, thru-girder bridge, and associated rip-rap. The maximum underclearance of the proposed bridge is approximately 8.5 feet.

2. To construct and maintain a temporary cofferdam associated with construction of the proposed bridge.

The project site is located approximately 353 feet south of the intersection of Geigel Hill Road (S.R. 1014) and Sheep Hole Road (T-420), in Tincum Township, Bucks County. (Bedminster, PA USGS Quadrangle N: 19.17 inches; W: 3.03 inches.)

E15-808- Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Warwick Township, **Chester County**. ACOE Philadelphia District

Harmonyville Road over Pine Creek, SR4018 bridge replacement Project

To perform the following water obstruction and encroachment activities across Pine Creek associated with Harmonyville Road bridge replacement and approach roadway modification Project:

1. To remove the existing single span bridge, and to construct and maintain, in its place, a single 31'-6" span, concrete box Beam Bridge, and associated rip-rap. The underclearance of the proposed bridge is approximately 6.21 feet.

2. To construct and maintain a temporary cofferdam associated with removal of the existing bridge.

The project site is located approximately 3,636 feet northeast of the intersection of Harmonyville Road (S.R. 4018) and Swamp Road (SR 345) in Warwick Township, Chester County. (Elverson, PA USGS Quadrangle N: 11.40 inches; W: 3.34 inches.)

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

E50-248: Shermans Valley Mennonite Church, Michael Wise, 1997 Airport Road, Loysville, PA 17047, ACOE Baltimore District

To construct and maintain a 30.0-foot long by 20.0-foot wide by 5.0-foot high open bottom concrete box culvert in an unnamed tributary to Sherman Creek (HQ-CWF) for the purpose of a driveway. The project is located on Airport Road, approximately 0.13 miles northwest of its intersection with S.R. 0274 (Andersonburg, PA Quadrangle: N: 18.6 inches, W: 9.5 inches; Latitude: 40 21' 09" N, Longitude: 77 26' 39" W) in Southwest Madison Township, **Perry County**.

E28-363: Norfolk Southern Railway Company, 1200 Peachtree Street, Atlanta, GA 30309, Franklin County Intermodal Facility, Antrim Township, **Franklin County**, ACOE Baltimore District

To (1) extend and maintain an existing 57.0-foot long, 72.0-inch concrete arch culvert by 35.0 feet on the upstream side with a 6.0-foot by 6.0-foot, 1.0-foot uniformly depressed, concrete box culvert with fish baffles, wing walls, and R-4 rip-rap in an unnamed tributary to Conococheague Creek (WWF, MF); (2) remove an existing 40.0-foot long, 4.0-foot by 6.0-foot concrete arch culvert and install and maintain dual 114.0-foot long 72.0-inch diameter CMP culverts in an unnamed tributary to

Conococheague Creek (WWF, MF); (3) relocate approximately 197.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); (4) remove an existing 45-foot long, 36.0-inch diameter CMP and install and maintain dual 102.0-foot long, 1.0-foot uniformly depressed, 72.0-inch diameter RCP in an unnamed tributary to Conococheague Creek (WWF, MF); (5) relocate approximately 220.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); (6) remove existing dual 44.0-foot long, 18.0-inch by 30.0-inch stone box culverts and install and maintain an 80.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP in an unnamed tributary to Conococheague Creek (WWF, MF); (7) install and maintain a 90.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP in an unnamed tributary to Conococheague Creek (WWF, MF); (8) install and maintain a 553.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter RCP, wing walls and R-4 rip-rap scour protection in an unnamed tributary to Conococheague Creek (WWF, MF); (9) fill approximately 705.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); (10) remove an existing 56.0-foot long, 34.0-inch high by 5.0-foot wide concrete box culvert and install and maintain a 90.0-foot long, 1.0-foot uniformly depressed, 4.0-foot high by 14.0-foot wide concrete box culvert with fish baffles, wing walls, and R-4 rip-rap scour protection in an unnamed tributary to Conococheague Creek (WWF, MF); (11) relocate 915.0 lineal feet of an unnamed tributary to Conococheague Creek (WWF, MF); (12) extend and maintain an existing 56.0-foot long, 72.0-inch concrete arch culvert by 46.0 feet on the upstream side with a 6.0-foot by 6.0-foot, 1.0-foot uniformly depressed, concrete box culvert with fish baffles, wing walls, and R-4 rip-rap scour protection in Paddy Run (WWF, MF); (13) relocate approximately 86.0 lineal feet of Paddy Run (WWF, MF); and (14) fill approximately 0.01 acres of PEM wetland. The location of the rail widening project runs north and south along the existing rail line beginning at a point just south of the intersection of Williamson Pike and Molly Pitcher Highway (Chambersburg, PA Quadrangle, N: 4.83 inches, W: 15.69 inches; Latitude: 39°46'35.8", Longitude: 77°44'12.1") and ending at a point approximately 1,000 feet north of Mason Dixon Road (Chambersburg, PA Quadrangle, N: 10.8 inches, W: 0.4 inches; Latitude: 39°43'43.1", Longitude: 77°45'10.5"). The proposed intermodal facility is located at the intersection of Minor Road and the existing rail line (Chambersburg, PA Quadrangle, N: 0.94 inches, W: 16.82 inches; Latitude: 39°45'18.6", Longitude: 77°44'40.8") in Antrim Township, Franklin County. The purpose of the project is to construct a regional intermodal facility to improve the movement of rail freight in the region. The project will permanently impact 2,399.0 linear feet of stream channel and 0.01 acre of palustrine emergent wetland. The amount of wetland impact is considered a deminimus impact of 0.01 acre and wetland mitigation is not required. The applicant has proposed to restore a minimum of 900.0 linear feet of stream channel on site and make a monetary contribution to a local stream restoration project to mitigate for permanent stream impacts.

E36-871: PPL Brunner Island, LLC, David G. Hopfer, 2 North 9th Street, GENPL6, Allentown, PA 18101-1139, East Manchester Township, **York County** and Conoy Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a 280.0-foot long, 18.0-foot high by 5.0-foot wide, steel debris screen structure with 28 30.0-inch diameter concrete caissons supports in the

floodway of the Susquehanna Rover (WWF) and a 561.0-foot long, 4.0-foot high by 8.0-foot wide floating trash boom with six 30.0-inch diameter concrete caissons also in the floodway of the Susquehanna River (WWF) (York Haven, PA Quadrangle N: 18 inches, W: 9.5 inches; Latitude: 40° 5' 54", Longitude: 76° 41' 35"), for the purpose of protecting the existing intake structure at the PPL Brunner Island facility in East Manchester Township York County and Conoy Township, Lancaster County.

E22-556: The Harrisburg Authority, 212 Locust Street, Suite 302, Harrisburg, PA 17101, Harrisburg City and Swatara Township, **Dauphin County**, ACOE Baltimore District

To remove an existing 82.0-foot by 60.0-foot steel storage building and construct and maintain an 84.0-foot by 61.0-foot steel building with associated access and loading facilities in the floodplains of Spring Creek (CWF, MF) and the Susquehanna River (WWF), for the purpose of upgrading the existing wastewater treatment facility. The project is located near the intersection of SR 230 and Elliot Street (Steelton, PA Quadrangle, N: 21.4 inches, W: 15.3 inches; Latitude: 40° 14' 28", Longitude: 76° 51' 30") in Harrisburg City and Swatara Township, Dauphin County.

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

E24-258, Conservation Forestry, LLC - Elk Timberlands, LLC, P. O. Box 570, Exeter NH 03833. Elk Timberland Bridge Replacements in Jay Township, **Elk County**, ACOE Pittsburgh District (Rathbun & Kersey, PA Quadrangle N: 41°, 17', 36"; W: 78°, 30', 56").

To construct and maintain 3 single lane permanent steel bridge crossings located at existing stream crossings over Kersey Run (50ft span, 15ft wide), Hellfire Run (55ft span, 15ft wide) & Trout Run (40ft span, 15ft wide).

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

E4129-001 Chief Oil & Gas LLC, 700 Fairfield Road, Montoursville, PA 17754, Mifflin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Larry's Creek (EV) adjacent to the intersection of Route 973 and Quenshukeny Road (Saladasburg Quadrangle 41° 17' 54"N 77° 11' 53"W). The proposed withdrawal will include a submersible pump with related materials placed on the stream bed. The project will result in 20 square feet of stream impact and 81 square feet of floodway impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.

D38-111. Greater Lebanon Refuse Authority, 1610 Russell Rd., Lebanon, PA 17046-1437. To modify, operate and maintain Treatment Pond 14 across tributary to Swatara Creek (WWF), for the purpose of replacing the existing "broad crested" weir structure on the earthen embankment in (Lebanon, PA Quadrangle N: 21.5 inches; W: 16.3 inches) in Swatara Township, **Lebanon County**.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070092 (Sewage)	Owners: John M. Yetter and Van Daniel Yetter T/A Evergreen Village 45 North Courtland Street East Stroudsburg, PA 18301	Northampton County Upper Mount Bethel Township	Unnamed Tributary to Allegheny Creek (01F)	Y
	Facility: Evergreen Village WTP Evergreen Road Upper Mount Bethel, PA 18343			

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088242 (CAFO)	Country View Family Farms 1301 Fulling Mill Road, Suite 1200 Middletown, PA 17057	Fulton County Taylor Township	Wooden Bridge Creek / 12-C	Y
PA00039748 (SEW)	Huston Hollow Partnership 410 East Lincoln Avenue Myerstown, PA 17067-2213 US Army Corps of Engineers— Lake Raystown 7 Points Recreation Area 6145 Seven Points Road Hesston, PA 16647	Huntingdon County / Penn Township	Raystown Branch Juniata River / 11-D	Y
PA0086754 (IW)	East Penn Manufacturing (Lyon Station) Deka Road Lyon Station, PA 19536-0147	Berks County / Richmond & Maxatawny Townships	Sacony Creek / 3-B	Y
PA0031551 (SEW)	Chambersburg School District (Lurgan Elementary School) 435 Stanley Avenue Chambersburg, PA 17201	Franklin County / Lurgan Township	Conodoguinet Creek / 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209368 (Sewage)	Benton Foundry 5297 State Route 487 Benton, PA 17814-7641	Columbia County Sugarloaf Township	Coles Creek (5-C)	Y
PA0228869 (Sewage)	Kettle Creek State Park Wastewater Treatment Plant 97 Kettle Creek Park Lane Renovo, PA 17764-9400	Clinton County Leidy Township	Kettle Creek (9-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221554 (Sewage)	Bruce Wish Management, LP 1605 Old Route 18 Wampum, PA 16157	Lawrence County New Beaver Borough	Beaver River 20-B	Y

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

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

NPDES Permit No. PA0043818, Industrial Waste, **Waster Disposal Services of PA, Inc**, 1000 New Ford Mill Road, Morrisville, PA 19067.

This proposed facility is located in Falls Township, **Bucks County**.

The following notice reflects changes to the notice published in the July 12, 2010, *Pennsylvania Bulletin*:

Effluent limit for Color at Outfall 001 is revised from 100 pt. co to 750 pt. co based on Delaware River Basin Commission's approval.

NPDES Permit No. PA0055565, Industrial Waste, **Wings Field Preservation Associates, LP**, 1501 Narcissa Road, Blue Bell, PA 19422.

This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES Permit to discharge stormwater to Prophecy Creek in Watershed 3F-Lower Schuylkill River.

NPDES Permit No. PA0244520, Industrial Waste, **Loos & Dilworth, Inc**, 61 East Green Lane, Bristol, PA 19007.

This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the issuance of an NPDES Permit to discharge contaminated stormwater from their bulk petroleum storage facility into the Delaware River via storm drain in Watershed 2-E.

NPDES Permit No. PA0057673, Sewage, **Candlewyck Estates Homeowners Association**, 602 E. Broad Street, Souderton, PA 18964-1219.

This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES Permit to discharge 16,250 gpd of treated sewage to Unnamed Tributary to Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA0030431, Sewage, **Fox Valley Community Services, Inc.**, PO Box 462, Chester Heights, PA 19017.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES Permit to discharge 74,000 gpd of treated sewage to West Branch Chester Creek in Watershed 3-G.

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

NPDES Permit No. PA0261475, Sewage, **Broad Top Township**, 187 Defiance Road, Defiance, PA 16633.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge from the College Residence to UNT Sixmile Run in Watershed 11-D.

NPDES Permit No. PA0261483, Sewage, **Broad Top Township**, 187 Defiance Road, Defiance, PA 16633.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge from the Morrow Residence to UNT Sixmile Run in Watershed 11-D.

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

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

WQM Permit No. 2998401, Amendment 10-1, Sewage, **McConnellsburg Sewer Authority**, PO Box 681, McConnellsburg, PA 17233.

This proposed facility is located in McConnellsburg Borough, **Fulton County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification of sewage facilities consisting of: new treatment plant headworks consisting of a new fine screen, variable speed suction lift pump station and grit removal; new equalization basin; additional tankage and modification for upgrade to 5 Stage Bardenpho Process; relocation of chlorination/dechlorination equipment; addition of centrifuge for sludge dewatering; and addition of a static pile, aerobic composting facility.

WQM Permit No. 0510403, Sewage, **Broad Top Township**, 187 Municipal Road, Defiance, PA 16633.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewage facilities consisting of: a two-compartment 1500-gallon septic tank, a Biotube effluent filter, STB-650 Ecoflo peat filter, a 300-gallon dosing tank and a Salcor 3G UV disinfection to serve the Morrow Residence.

WQM Permit No. 0510402, Sewage, **Broad Top Township**, 187 Municipal Road, Defiance, PA 16633.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewage facilities consisting of: a two-compartment 1500-gallon septic tank, a Biotube effluent filter, STB-650 Ecoflo peat filter, a 300-gallon dosing tank and a Salcor 3G UV disinfection to serve the College Residence.

WQM Permit No. 2110407, Sewage, **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: Permit approval for the construction of sewage facilities consisting of: Upper Allen Township plans to construct a new pumping station, force main, and gravity sewer to provide Country Estates development and the Southview Drive area with public sewer. The projected peak flow for the new pumping station is approximately 50,400 gpd. The sewage will be treated at the Grantham Wastewater Treatment Plant.

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

WQM Permit No. 4910402, Sewerage [SIC 4952], **Milton Regional Sewer Authority**, P. O. Box 433, 5585 State Route 405, Milton, PA 17847-0433.

This proposed facility is located in Milton Borough, **Northumberland County**.

The proposed project will consist of the abandonment and demolition of the existing Brown Avenue Pump Station and the associated replacement and re-alignment of approximately 4,600 feet of existing downstream and upstream sanitary sewers. An additional 900 feet of upstream sanitary sewers will be rehabilitated utilizing cured-in-place pipe.

WQM Permit No. WQG01591001. Sewerage [4952], **Cheryl & Dale Fuller**, 403 Hills Creek Road, Wellsboro, PA 16901.

This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: The construction and operation of a small flow treatment facility located at the Fuller's residence.

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

WQM Permit No. WQG018782, Sewerage, **Edward Morgan**, 105 Morgan Lane, Butler, PA 16001

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

WQM Permit No. 4393404, Sewerage, **Amendment No. 1, Borough of Mercer**, 145 Pitt Street, P. O. Box 69, Mercer, PA 16137

This proposed facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Action/Activity: The proposed project will consist of replacing the rock media in Tricking Filter #1 with synthetic cross-flow media.

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

WQM Permit No. 1510201, Industrial, **Jackson Immuno Research Laboratories, Inc.**, 872 W. Baltimore Pike, P. O. Box 9, West Grove, PA 19390.

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

Description of Action/Activity: Construction of a 1,200 square foot drain field to serve the Jackson Immuno Research Laboratory.

WQM Permit No. 1505426, Sewerage, **Amendment, New London Township**, 902 State Road, P. O. Box 1002, New London, PA 19360.

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

Description of Action/Activity: Installation of a new WWTP that includes and influent screen/EQ tank, and extended aeration biological treatment system denitrification capabilities, a tertiary filtration, a UV disinfection system, and a sludge holding tank.

WQM Permit No. WQG02151005, Sewerage, **Phoenixville Borough**, 140 Church Street, Phoenixville, PA 19460.

This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151006	Mr. and Mrs. Steven Shenberger 228 Cambridge Road Coatesville, PA 19320	Chester	West Caln Township	West Branch Brandywine Creek/ Birch Run (HQ-TSF-MF)
PAI01 511004	Kuusakoski Philadelphia, LLC 3150 Orthodox Street Philadelphia, PA 19137	Philadelphia	City of Philadelphia	Delaware River (WWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104505-R	Milroy Associates 269 Waring Avenue State College, PA 16801	Mifflin	Armagh Township	Tea Creek-Laurel Creek/HQ-CWF
PAI030610005	Calvin Hess Topton Ambulance P. O. Box 22 Topton, PA 19562	Berks	Longswamp Township	Little Lehigh Creek/HQ-WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(4)	Ian Salada Penn State University 113 Physical Plant Bldg University Park, PA 16802	Centre	State College Borough	Slab Cabin Run CWF Thompson Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044910001	Milton Regional Sewer Authority PO Box 433 Milton, PA 17847-0433	Northumberland	West Chillisquaque Township Milton Borough	West Branch Susquehanna River WWF

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046010001	Ken Martin 3370 Forrest Hill Rd. Mifflinburg, PA 17844	Union	West Buffalo Township	Rapid Run HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0661 10 001	GOC Property Holdings 175 Main Street Oil City PA 16301	Venango	Rouseville Borough	Oil Creek WWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
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

NOTICES

6453

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Chalfont Borough Bucks County	PAG0200 091023	Oxford Land Development, Ltd 521 Stump Road, Suite A Montgomeryville, PA 18936	Unnamed Tributary Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0908098	Temple Judea of Bucks County 300 West Swamp Road Doylestown, PA 18901	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 091051	Plough Lane Associates, LLC 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
Franklin Township Chester County	PAG0200 151023	Crossan Creek, LP 1020 Broad Run Road Landenberg, PA 19350	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG0200 231018	Haverford College 370 Lancaster Avenue Haverford, PA 19041	Cobbs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Edgmont Township Delaware County	PAG0200 231008	Hellings Builders 602 Foxglove Drive Morton, PA 19070	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 461067	Bentley at Edgehill Associates 1595 Paoli Pike West Chester, PA 19380	Unnamed Tributary Schuylkill River/Doe Run (TSF-WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Souderton Borough Montgomery County	PAG0200 461064	Souderton Borough 31 West Summit Street Souderton, PA 18964	Indian Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Mount Bethel Twp. Northampton Co.	PAG02004810008	Samuel D'Alessandro 112 North Courtland St. Stroudsburg PA 18301	Unnamed Tributary to Delaware River CWF, MF	Northampton Co. Conservation District 610-746-1971
Williams Twp. Northampton Co.	PAG02004810014	Neil Van Cleef The Club at Morgan Hill Golf Course 339 Amwell Rd. Hillsborough, NJ 08844	Delaware River WWF, MF	Northampton Co. Conservation District 610-746-1971
North Whitehall Twp. South Whitehall Twp. Lehigh Co.	PAG02003905027(R)	Joseph Kolarik Joseph Rocco Kolarik & Rocco Associates	UNT to Coplay Creek CWF, MF	Lehigh Co Conversation District 610-391-9583
Springfield Township York County	PAG2006709060	Timothy F. Pasch Pasch Equities, LP 2645 Carnegie Road York, PA 17402	Fishel Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Windsor Township Berks County	PAG2000604101-R	Walter Greth Greth Development Group 253 Snyder Road Reading, PA 19605	Kaercher Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610-372-4657

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ontelaunee Township Berks County	PAG2000609070	Craig Strunk Schuylkill Valley School District 929 Lakeshore Drive Leesport, PA 19533	Maiden Creek (Lake Ontelaunee)/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610-372-4657
Windsor Township York County	PAG2006710005	Jason Mitchell J.C. Bar Properties 3100 Market Street Camp Hill, PA 17011	Kruetz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Penn Township York County	PAG2006705035-1	Chris Trone Baxter Investment Group, Inc. 350 Third Street Hanover, PA 17331	Oil Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
West Manchester Township York County	PAG2006710001	Albright Care Services, Inc. 1700 Normandie Drive York, PA 17404	UNT to Little Conewago Creek-Willis Run/ TSF-WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Altoona City Blair County	PAG2000710007	Thomas Prestash Pennsylvania Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648-1080	Spring Run-UNT to Little Juniata River/WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 Ext. 5
Brown Township Mifflin County	PAG2004410004	Aaron Peachey A.J. Peachey & Sons, Inc. 72 Barville Road Belleville, PA 17004-8519	UNT to Kish Creek/TSF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717-248-4695
Windsor Township York County	PAG2006710031	Stonebridge Bank 624 Willowbrook Lane West Chester, PA 19380	Cabin Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
West Manheim Township York County	PAG2006705049-R	Reservoir Heights, LLC 2700 Philadelphia Road Edgewood, MD 21040	UNT to South Branch Conewago Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Newberry Township York County	PAG2006710011	Don Keener Newberry Township 1915 Old Trail Road Etters, PA 17319	UNT to Susquehanna River/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Lower Paxton Township Dauphin County	PAG2002210020	Lower Paxton Township 425 Prince Street Harrisburg, PA 17109	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276

NOTICES

6455

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Paxton Township Dauphin County	PAG2002210024	Daniel Schiavoni 2401 North Front Street Harrisburg, PA 17110	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Lower Paxton Township Dauphin County	PAG2002210025	Holy Name of Jesus 6150 Allentown Boulevard Harrisburg, PA 17112	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Londonderry Township Conewago Township Dauphin County	PAG2002205051	Adrian & Irvette Timms Joseph & Louise Answine 37 Oakglade Drive Hummelstown, PA 17036	Iron Run-Brills Run/WWF-TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Susquehanna Township Dauphin County	PAG22002210034	Andrew S. Williams Williams Holding Group 2325 Paxton Church Road Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Swatara Township Dauphin County	PAG2002210032	Living Water Community Church 206 Oakleigh Avenue Harrisburg, PA 17111	Spring Creek/CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Sayre Borough Bradford County	PAG2000810015	Christopher A. Langel Linde Corporation Cross Creek Point 1065 Highway 315 Ste 102 Wilkes-Barre, PA 18702	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Wyalusing Township Bradford County	PAG2000810016	Glenn O. Hawbaker 1952 Waddle Road State College, PA 16803	North Branch Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
North Centre Township Columbia County	PAG2001905009R	Robert Paden 1326 Orange St Berwick, PA 18603	Cabin Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Franklin Township Columbia County	PAG2001910004(1)	Charles Reh Southern Columbia Area School District 800 Southern Dr Catawissa, PA 17820	Roaring Creek TSF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Delaware Township Watsonstown Borough Northumberland County	PAG2004910016	Delaware Township Municipal Authority PO Box 80 Dewart, PA 17730-0080	West Branch of Susquehanna River WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Indiana County Young Township	PAG02003210003	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Coal Run (TSF) Marshall Run (CWF)	Indiana County CD 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 724-471-4751
Washington County Centerville & West Brownsville Boroughs	PAG02006305004-1R	Center-West Joint Sewer Authority PO Box 542 235 Main Street West Brownsville, PA 15417	Monongahela River (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Westmoreland County Hempfield & North Huntingdon Twps.	PAG2006505059-R	Frank J. Kempt PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106-7676	Brush Creek & Little Sewickley Creek (TSF) Sewickley Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield Twp.	PAG2006506047-1	Westmoreland County Parks & Recreation Malcolm Sias 194 Donohoe Road Greensburg, PA 15601	Jamison Reservoir (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield Twp.	PAG2006508029-1	Jamie Ickes New Enterprise Stone & Lie Co., Inc. PO Box 77 New Enterprise, PA 16664	Unt to Sew. Creek & Monongahela River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County South Huntingdon Twp.	PAG2006510020	Rick Christy General Industries 15 Arentzen Blvd. Charleroi, PA 15022	Youghioheny River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
McKean Township Erie County	PAG02 0025 05 036(1)	Bill Danylko Ecatvating 10330 Osbourne Road McKean PA 16426	UNT Elk Creek CWF;MF	Erie Conservation District 814-825-6403

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wyalusing Township, Bradford County	PAR204806 (Stormwater)	Arrow United Industries PO Box 69 Wyalusing, PA 18853	Susquehanna River and Wyalusing Creek, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Richmond Township, Tioga County	PAG045271	Cheryl & Dale Fuller 403 Hills Creek Road Wellsboro, PA 16901	Ellen Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richmond Township, Tioga County	PAR314803 (Stormwater)	Tetra Technologies, Inc. 2467 S. Main Street Mansfield, PA 16933	UNT to Tioga River, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Towanda Borough, Bradford County	PAR804863 (Stormwater)	Williams Oil Company PO Box 207 Towanda, PA 18848	UNT to Susquehanna River, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Saegertown Borough, Crawford County	PAR208375	Fisher & Ludlow Inc. 750 Appleby Lane Burlington, Ontario L7L 2Y7	Unnamed Tributaries to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Center Township Butler County	PAG041015	Edward Morgan 105 Morgan Lane Butler, PA 16001	Unnamed Tributary to the Connoquenessing Creek, 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2810505 MA, Minor Amendment, Public Water Supply.

Applicant	Path Valley Restaurant
Municipality	Fannett Township
County	Franklin
Responsible Official	John Sidaras, Owner 16350 Path Valley Road Spring Run, PA 17262
Type of Facility	Chlorine disinfection installation.
Consulting Engineer	Janet R McNally, P.E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Permit to Construct Issued:	10/20/2010

Permit No. 2210511 MA, Minor Amendment, Public Water Supply.

Applicant	Middletown Borough Authority
Municipality	Middletown Borough

County **Dauphin**
 Responsible Official Peter Pappas, Chairman
 60 W Emaus St
 Middletown, PA 17057

Type of Facility GWR 4-Log treatment,
 installation of additional contact
 pipe at Well No. 3 (EP 103).

Consulting Engineer Peter Lusardi, P.E.
 CET Engineering Services
 1240 N. Mountain Rd.
 Harrisburg, PA 17112

Permit to Construct 10/14/2010
 Issued:

Permit No. 0610515 MA, Minor Amendment, Public
 Water Supply.

Applicant **Renninger's Farm Market**
 Municipality Maxatawny Township
 County **Berks**
 Responsible Official Gerald Bashore
 27 Bensinger Drive
 Schuylkill Haven, PA 17972

Type of Facility Demonstration of 4-Log
 Treatment of Viruses for GWR.
 Installation of sodium
 hypochlorite feed equipment and
 contact piping at both entry
 points.

Consulting Engineer Brian D Boyer, P.E.
 Boyer Engineering LLC
 1440 Ben Franklin Highway
 Douglassville, PA 19518

Permit to Construct 10/21/2010
 Issued:

Permit No. 0110513 MA, Minor Amendment, Public
 Water Supply.

Applicant **Bonneauville Borough**
 Municipality Bonneauville Borough
 County **Adams**
 Responsible Official Bernie Shanebrook,
 Borough Manager
 86 West Hanover Street
 Gettysburg, PA 17325

Type of Facility Change of sequestering agent
 from AquaMag to SLI-7425.

Consulting Engineer Bruce Hulshizer, P.E.
 Buchart-Horn Inc.
 445 West Philadelphia Street
 York, PA 17401-3383

Permit to Construct 10/14/2010
 Issued:

Operations Permit issued to: **Chesapeake Estates
 Mobile Home Park**, 7010041, Mt. Pleasant Township,
Adams County on 10/14/2010 for the operation of facil-
 ities approved under Construction Permit No. 0107508.

Operations Permit issued to: **Quarryville Presbyte-
 rian Home**, 7360167, Quarryville Borough, **Lancaster
 County** on 10/14/2010 for the operation of facilities
 approved under Construction Permit No. 3610536 MA.

Operations Permit issued to: **Christiana Municipal
 Water Authority**, 7360007, Christiana Borough,

Lancaster County on 10/20/2010 for the operation of
 facilities approved under Construction Permit No.
 3610540 MA.

Operations Permit issued to: **CHR Corporation**,
 7211000, Monroe Township, **Cumberland County** on
 10/22/2010 for the operation of facilities approved under
 Construction Permit No. 2110505.

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

Operations Permit issued to **Aqua Pennsylvania
 Inc, Crawford Division**, PWSID #6200014, Sadsbury
 and Summit Townships, **Crawford County** on October
 18, 2010. Action is for operation of the Lakeside Acres
 Well Nos. 1 and 2A, and Oakland Beach Well No 1, in
 response to operation inspections conducted by Depart-
 ment personnel on October 1 and 15, 2010. The Depart-
 ment has consolidated all permits associated with Aqua
 PA's Crawford Division (Lakeside Acres and Oakland
 Beach) under this operation permit, Permit Number
 2010501.

Operations Permit issued to **Aqua Pennsylvania
 Inc**, PWSID #6430054, East Lackawannock Township,
Mercer County on October 22, 2010. Action is for
 operation of the newly constructed Mercer Elevated Tank,
 in response to operation inspections conducted by Depart-
 ment personnel on October 8, 2010, and as approved
 under Construction Permit No. 4300503-T1-MA4, issued
 on June 24, 2009.

Operations Permit issued to **Piney Creek Limited
 Partnership, Piney Creek Water Treatment Plant**,
 PWSID #6160881, Piney Township, **Clarion County** on
 October 22, 2010. Action is for operation of the relocated
 soda ash feed point, and the use of aluminum
 chlorohydrate for coagulation, and in response to a pre-
 operation inspection conducted by the Department on
 October 12, 2010, and as approved under Construction
 Permit No. 1606501-MA1, issued on June 7, 2010.

Operations Permit issued to **Greystone Country
 Estates, Inc.**, PWSID #6430073, Delaware Township,
Mercer County on October 25, 2010. Action is for
 operation of the disinfection facility with Sodium
 Hypochlorite, and in response to a pre-operation inspec-
 tion conducted by the Department personnel, as approved
 under Construction Permit No. 4310503, issued on Au-
 gust 12, 2010.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

**The following plans and reports were submitted
 under the Land Recycling and Environmental
 Remediation Standards Act (35 P. S. §§ 6026.101—
 6026.908).**

Provisions of 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 submis-
 sion 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 environ-
 mental media of concern, documentation supporting the

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

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

The Department has received the following plans and reports:

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

Peter Styer Residence, Warwick Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Peter Styer, c/o Sandy Styer-Martin, 17 Church Street, Lititz, PA 17543, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health and Site-Specific standards.

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

Brian and Margaret Rhodomoyer, Fishing Creek Township, **Columbia County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Brian and Margaret Rhodomoyer, 3014 State Route 487, Orangeville, PA 17859 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Advanced Metal Coatings. Watsontown Borough, **Northumberland County**. The ELM Group, Inc., 2475 Baglyos Circle, Bethlehem, PA 18020 on behalf of Moran Industries, Inc., 601 Liberty St., Watsontown, PA 17777 has submitted a Final Report concerning remediation of site soil contaminated with petroleum from an underground storage tank. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former McInnes Steel Facility, City of Corry, **Erie County**. Urban Engineers of Erie, Inc., 1319 Sassafra Street, Erie, PA 16501 on behalf of The Redevelopment Authority in the City of Corry, 1524 Enterprise Road has submitted a Remedial Investigation/Final Report concerning the remediation of site soils contaminated with

Arsenic, Iron, and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Walton Property, East Mead Township, **Crawford County**. Environmental Coordination Services & Recycling, 3237 Highway 19, Cochran, PA 16314 on behalf of Gerold and Carol Walton, 124105 Plank Road, Meadville, PA 16335 has submitted a Final Report concerning remediation of site soils contaminated with No. 2 Fuel Oil. The report is intended to document the 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—6026.908).

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: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Smith Residence, 212 Elm Drive, Elmhurst Township, **Lackawanna County**. Matthew Johnson, H2M Associates, Inc., 119 Cherry Hill Road, Suite 200, Parsippany, NJ 07054, submitted a Final Report (on behalf of his client, Judy Smith, 212 Elm Drive, Moscow, PA 18444), concerning the remediation of soil found to have been impacted by lubricating oil as the result of a leak from a machine engine, which was used in the installation of a geothermal well at the site. The report documented attainment of the Statewide Health Standard for soil and was approved on October 13, 2010. The report was originally submitted within 90 days of the release.

AIR QUALITY

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

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

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

GP3-09-0096: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on October 20, 2010, to operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

GP9-09-0026: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on October 20, 2010, to operate diesel-fired internal combustion engines in Falls Township, **Bucks County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-63-00939B: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on October 12, 2010, to allow the installation and operation of three new natural gas-fired compressor engines (one of which will replace an existing engine) rated at 1380 bhp each and controlled by oxidation catalysts under GP-5 for natural gas production at the Nancy Stewart Compressor Station, in Mount Pleasant Township, **Washington County**. A total of five compressor engines are authorized for operation at this site.

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

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

GP14-25-1030A: Burton Funeral Home and Crematory, Inc. (3801 West 26th Street, Erie, PA 16506) on October 20, 2010, for operation of an animal cremation unit (BAQ-GPA/GP-14) in Millcreek Township, **Erie County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

Correction made to Company's name

30-00936C: MarkWest Liberty Midstream and Resources, L.L.C. (Tower 2, Suite 700, 1515 Arapahoe Street, Denver, CO, 80202) on September 30, 2010, to allow the construction of One (1) New Stabilizer and Depropanizer with a 148.0 MMBTU/hr burner and One (1) New Depropanizer with a 7.6 MMBTU/hr regenerator heater at the Houston Gas Processing Plant, in Chartiers Township, **Washington County**.

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

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

10-265B: Iron Mountain Information Management—The Underground (1137 Branchton Road, Boyers, PA 16020) on October 18, 2010, for installation of ten (10) emergency generators at their facility in Cherry Township, **Butler County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00045: Sunoco Partners Marketing & Terminals, L.P.—Twin Oaks (4041 Market Street, Aston, PA 19014) on October 21, 2010, for renewal of a Title V Operating Permit in Upper Chichester Township, **Delaware County**. This action is for the renewal of a Title V Operating Permit. The facility is primarily involved in Petroleum bulk stations and terminals. Sunoco operates gasoline loading racks, fuel oil loading racks and storage tanks. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

TV-32-00266 Evergreen Landfill, Inc. (625 Cherrington Parkway, Cherrington Corporate Center, Moon Township, PA 15108-4314) on October 13, 2010, for a Title V Operating Permit renewal for their Evergreen Landfill facility in Center and Brush Valley Townships, **Indiana County**. Landfill's design capacity makes it subject to the operating permit requirements of Title V of the Federal Clean Air Act, and Pa. Code Title 25 Chapter 127, Subchapter G. The Title V Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

52-00004: Dingmans Ferry Stone, Inc. (P O Box 686, Dingmans Ferry, PA 18328-0686) on October 25, 2010, a State Only Operating Permit for crushing stone plant operation, located in Delaware Township, **Pike County**.

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

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

07-05015: Aloona Regional Health System (620 Howard Avenue, Altoona, PA, 16601) on October 18, 2010, for boilers and emergency generators at the Altoona Hospital in Altoona City, **Blair County**. This is a renewal of the State-Only Operating permit.

07-05038: Federal Carbide, Inc. (One Eagle Ridge Road, Tyrone, PA 16686) on October 18, 2010, for a renewal of the State-Only Operating permit for their tungsten carbide tool and die products manufacturing facility in Snyder Township, **Blair County**.

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

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

65-00549: Comptec, Inc.—Irwin Plant (8291 Pennsylvania Avenue, Irwin, PA 15642) on October 14, 2010, to re-issue the Natural Minor Operating Permit for the manufacturing of fiberglass impregnated electric insulators in North Huntingdon Township, **Westmoreland County**. The operation of the facility’s air contamination source consisting of 3 grinding booths, 6 machining lathes, 3 casters, 2 resin mixers, sander, paint booth, And 2 parts washers. The facility is limited to a particulate matter rate of 0.04 grain/dry standard cubic foot from any exhaust point. The permit includes emission, restrictions, operation requirements, monitoring requirements, and recordkeeping requirements for the facility. This is a Renewal.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

34-03005: Energex American, Inc. (RR 5, Box 343, Mifflintown, Pennsylvania 17059-9576) on October 18, 2010, for their wood pellet manufacturing facility in Walker Township, **Juniata County**. This State Only Operating permit was administratively amended to incorporate the requirements of Plan Approval Nos. 34-03005C and 34-03005D. This is Revision 1 of the permit.

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

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

65-00661C: Derry Construction Co. (527 Route 217, Latrobe, PA 15626) a plan approval modification at their facility in Salem Township, **Westmoreland County** as follows: Revise stack testing and source tuning conditions for consistency with GP-13 requirements.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

24-00079: Osram Sylvania, Inc. (835 Washington Street, St Marys, PA 15857-3605) on October 20, 2010, issued an administrative amendment to the State Operating Permit to incorporate the name change for the owner from Osram Sylvania Products Inc. to Osram Sylvania Inc due to an internal merger for the facility in St. Marys, **Elk County**.

37-00280: Three Rivers Aggregates (TRA)(225 North Shore Drive, Pittsburgh, PA 15212) on October 21, 2010, issued an administrative amendment to the State Operating Permit to incorporate the name change from Ennstone Inc. to TRA and to change the tax ID and responsible official for the McCandless Plant located in Plain Grove Township, **Lawrence County**.

37-00306: Three Rivers Aggregates—TRA (225 North Shore Drive, Pittsburgh, PA 15212), on October 21, 2010, issued an administrative amendment to the State Operating Permit to incorporate the name change from Ennstone Inc. to TRA and to change the tax ID, responsible official, and permit contact for the Taylor Run Plant located in Scott Township, **Lawrence County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

62-00172: GKN Sinter Metals (104 Fairview Road, Kersey PA 15846) for the facility located in Fox Township, **Elk County**. This de minimis emission increase is due to the addition of an Aquamaste CB1400 parts washer manufactured by Alliance Manufacturing Inc. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the de minimis increases occurring in the last five years.

Table 1: EKN Sinter Metals approved De minimis emission increases.

Source Name	Date of Installation	RFD	Reason for Exemption	Exemption List	De Minimis
Parts Washer	11/15/2010	1729	VOC		0.19 tpy

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56001301 and NPDES Permit NA, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Genesis No. 17 Mine in Lincoln, Somerset, and Quemahoning Townships, **Somerset County** to Rosebud Mining Company from Genesis, Inc. dba Meadow Run Genesis, Inc. No additional discharges. Application received: May 3, 2010. Permit issued: October 21, 2010.

56841310 and NPDES Permit # PA001914, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County** to Rosebud Mining Company from Genesis, Inc., dba Meadow Run Genesis, Inc. No additional discharges. Application received: May 10, 2010. Permit issued: October 21, 2010.

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

32050105 and NPDES Permit No. PA0249785, AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface mine in Cherryhill Township, **Indiana County**, affecting 31.3 acres. Receiving stream(s): unnamed tributaries to Two Lick Creek, Allen Run, and unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received: July 2, 2010. Permit issued: October 18, 2010.

56090108 and NPDES No. PA0262803, Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 185.0 acres. Receiving stream(s): unnamed tributaries to/and Dark Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 13, 2009. Permit issued: October 19, 2010.

11100101 and NPDES No. PA0262986, Rampside Collieries, Inc., 527 Slate Hill Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Richland Township, **Cambria County**, affecting 14.0 acres. Receiving stream(s): unnamed tributary to/and Solomon Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2010. Permit issued: October 20, 2010.

32000105 and NPDES No. PA0235326, D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 121.0 acres. Receiving stream(s): unnamed tributaries to/and South Branch of Plum Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Reliant Energy's Keystone Station. Application received: July 30, 2010. Permit issued: October 21, 2010.

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

03970110 and NPDES Permit No. PA0202134, GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728). Permit renewed for reclamation only of a bituminous surface mining site located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: unnamed tributary to Cowanshannock Creek to Allegheny River. Application received: July 2, 2010. Reclamation-only renewal issued: October 19, 2010.

02090103 and NPDES Permit No. PA0251801, Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Jefferson Hills Borough, **Allegheny County**, affecting 57.4 acres. Receiving streams: Unnamed tributary to Peters Creek. Application received: November 23, 2009. Permit issued: October 21, 2010.

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

33070107 and NPDES Permit No. PA0258393, Allegheny Enterprises, Inc. (3563 Roller Coaster Road, Corsica, PA 15829) Commencement, operation and restoration of a bituminous strip operation in Rose Township, **Jefferson County** affecting 47.1 acres. Receiving streams: Eckler Run. Application received: August 16, 2007. Permit Issued: October 18, 2010.

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

54860109C, Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), correction to revise the post-mining land use of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 35.0 acres, receiving stream: none. Application received: July 12, 2010. Correction issued: October 20, 2010.

54920201C6, Northeastern Power Company, (PO Box 7, McAdoo, PA 18237), correction to revise the post-mining land use of an existing coal refuse reprocessing, refuse disposal and surface mine operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: none. Application received: May 11, 2010. Correction issued: October 21, 2010.

Noncoal Permits Actions

Effluent Limits—The following effluent limits will apply

to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

26840402 and NPDES Permit No. PA0588075. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES Renewal issued for continued operation and reclamation of a large noncoal surface mining site located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: Connell Run and unnamed tributaries to Connell Run. Application received: June 25, 2010. Renewal issued: October 21, 2010.

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

37982803. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing small noncoal permit from Ennstone, Inc. d/b/a Three Rivers Aggregates in Pulaski Township, **Lawrence County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Deer Run. Application received: September 14, 2010. Permit Issued: October 21, 2010.

43040301. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large noncoal permit from Ennstone, Inc. d/b/a Three Rivers Aggregates in East Lackawannock Township, **Mercer County** affecting 10.6 acres. Receiving streams: Neshannock Creek. Application received: June 28, 2010. Permit Issued: October 21, 2010.

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

67870301C8 and NPDES Permit No. PA0010235. York Building Products, Inc., (P. O. Box 1708, York, PA 17408), correction to an existing quarry operation to decrease the permitted acres from 273.2 to 264.9 in West Manchester Township and York City, **York County**, receiving stream: Willis Run. Application received: June 16, 2009. Correction issued: October 20, 2010.

66102801. John A., Jr. and Richard J. Kobylski, (237 Schlessor Road, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received: April 8, 2010. Permit issued: October 20, 2010.

7774SM3A1C6 and NPDES Permit No. PA0224499. Eastern Industries, Inc., (4401 Camp Meeting Road,

Suite 200, Center Valley, PA 18034), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County**, receiving stream: Sacony Creek. Application received: August 30, 2010. Renewal issued: October 21, 2010.

36900302C7 and NPDES Permit No. PA0594784. Haines & Kibblehouse, Inc., (P. O. Box 1467, Skippack, PA 19474), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**, receiving stream: unnamed tributary to Octoraro Creek. Application received: September 1, 2010. Renewal issued: October 21, 2010.

ABANDONED MINE RECLAMATION ACT 181 ONLY

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

Primacy Bond Forfeiture Contract Awarded	PBF 11813019.3
Location	Lower Yoder Township Cambria County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project PA Energy Corporation Horsehill Site
Contractor	Site & Stream, LLC 18695 Little Valley Road Saxton, PA 16678
Amount	\$283,000.00
Date of Award	September 24, 2010
Primacy Bond Forfeiture Contract Awarded	PBF 56793053.3
Location	Brothersvalley Township Somerset County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project Delta Mining—Hay-2 Site
Contractor	Five R Excavating, Inc. P. O. Box 387 5592 Route 711 New Florence, PA 15944
Amount	\$120,200.00
Date of Award	October 14, 2010

**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

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

05104002. Douglas Explosives, P. O. Box 77, Philipsburg, PA 16866, blasting activity permit issued for site development in King Township, **Bedford County**. Blasting activity permit end date is October 15, 2011. Permit issued: October 15, 2010.

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

30104007. Atlas Services Corp. (1024 Route 519, Suite 500, Eighty Four, PA 15330). Blasting activity permit for the construction of the CNX Gas Site NV-17 pond, located in Morris Township, **Greene County**. The duration of blasting is expected to be for one day. Blasting permit issued: October 19, 2010.

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

14104007. HRI, Inc. (1750 West College Ave., State College, PA 16801). Blasting for the ARM Project located in Snow Shoe Township, **Centre County**. Permit issued: October 21, 2010. Permit expires: June 30, 2011.

14104010. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744). Seismic exploration blasting located in Snow Shoe Township, **Centre County**. Permit Issued: October 14, 2010. Permit expires: December 30, 2010.

14104012. Geokinetics (P. O. box 309, Clearfield, PA 16830). Seismic exploration blasting located in multiple townships in **Clearfield County**. Permit issued: October 19, 2010. Permit expires: January 31, 2011.

53104009. Pennsylvania General Energy Co., LLC (120 Market St., Warren PA 16365). Construction blasting for a fresh water pit located in Pleasant Valley Township, **Potter County**. Permit issued: October 19, 2010. Permit expires: July 1, 2011.

53104010. Pennsylvania General Energy Co., LLC (120 Market St., Warren PA 16365). Construction blasting for a drill pad located in Pleasant Valley Township, **Potter County**. Permit issued: October 19, 2010. Permit expires: July 1, 2011.

53104011. Pennsylvania General Energy Co., LLC (120 Market St., Warren PA 16365). Construction blasting for a drill pad located in Pleasant Valley Township, **Potter County**. Permit issued: October 19, 2010. Permit expires: July 1, 2011.

59104011. Doug Wathen, LLC (16208 State Highway 13, Suite 100, Branson West, MO 65616). Blasting for Merlin 1H, 2H and 3H located in Sullivan Township, **Tioga County**. Permit issued: October 19, 2010. Permit expires: January 10, 2011.

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

06104111. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Leon Garman dwelling in Spring Township, **Berks County** with an expiration date of December 30, 2010. Permit issued: October 19, 2010.

36104159. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for PPL Holtwood Hydroelectric Plant in Fulton Township, **Lancaster County** with an expiration date of October 18, 2011. Permit issued: October 19, 2010.

46104116. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Springhill Suites in Upper Merion Township, **Montgomery County** with an expiration date of October 15, 2011. Permit issued: October 19, 2010.

38104116. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Meadow Wood Farm in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued: October 20, 2010.

45104122. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), construction blasting for Route 209 By-Pass in Middle Smithfield and Smithfield Townships, **Monroe County** with an expiration date of October 30, 2012. Permit issued: October 20, 2010.

06104112. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Offices at Wyomissing in Wyomissing Borough, **Berks County** with an expiration date of October 20, 2011. Permit issued: October 21, 2010.

35104107. SAPP Drilling & Blasting, Inc. (444 N. 400 W, St. George, UT 84770), construction blasting for Valley View Business Park in Jessup and Archbald Boroughs, **Lackawanna County** with an expiration date of April 30, 2011. Permit issued: October 21, 2010.

54104104. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Wegmans South Retail Service Center in Cass, Butler and Foster Townships, **Schuylkill County** with an expiration date of October 1, 2011. Permit issued: October 21, 2010.

13104102. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for a septic tank on Longfellow Circle in Penn Forest Township, **Carbon County** with an expiration date of October 21, 2010. Permit issued: October 22, 2010.

58104121. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for W Hawley P1 Well Pad in Dimock Township, **Susquehanna County** with an expiration date of October 31, 2011. Permit issued: October 22, 2010.

36104002. Contract Drilling & Blasting, (470 Broadway #314, Bayonne, NJ 07002), demolition blasting for the Holtwood Power Plant Skimmer Wall Demolition in Martic Township, **Lancaster County** with an expiration date of January 31, 2011. Permit issued: October 26, 2010.

15104002. Explosives Experts, Inc., (PO Box 718, Parkton, MD 21120), construction blasting for the G.O. Carlson Airport in Sadsbury Township, **Chester County** with an expiration date of February 1, 2011. Permit issued: October 26, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-480. Central Delaware County Authority, 212 B. Unity Terracem, Rutledge, PA 19070, Swarthmore Borough, Springfield, Marple, Nether Providence, and Upper Providence Townships, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Crum Creek's sanitary sewer interceptor improvement project:

1. To install and maintain approximately 33,019 linear feet various size diameter pipelines across and along Crum Creek (WWF, MF) and its tributaries at 27 locations, parallel to the existing pipeline.

2. To maintain approximately 11,312 linear feet of the existing various size diameter pipelines across and along Crum Creek and its tributaries associated with installation of a liner inside the existing pipeline at various sections.

3. To temporarily impact approximately 0.61 acre of wetlands at six locations.

4. To temporarily impact approximately 915 linear feet of watercourses.

5. To temporarily construct and maintain cofferdams.

The project extends for approximately 8 miles from Chester Pike in Ridley Township (Bridgeport, PA-NJ, USGS Quadrangle N:8.00 inches; W:1.40 inches) to Route 252 in Marple Township (Lansdowne, PA, USGS Quadrangle N:21.00 inches; W:4.90 inches), and traverse Swarthmore Borough, Springfield, Nether Providence, and Upper Providence Townships in Delaware County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E23-486. PennDOT, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Aston Township, Chester Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities across Baldwin Run (WWF, MF) associated with Concord Road bridge replacement and approach roadway modification Project:

1. To remove the existing stone masonry arch bridge, and to construct and maintain a 77-foot long, 16-foot wide, and 9-foot rise pre-cast concrete box culvert. The new culvert will be placed approximately 75 feet upstream of the existing bridge. This work permanently impacts approximately 0.16 acre of wetlands and temporarily impacts 0.03 acre of wetlands.

2. To construct and maintain an outfall structure.

3. To construct and maintain a temporary cofferdam associated with removal of the existing bridge.

The project will impact approximately 40 liner feet of stream and approximately 502 square feet of floodway area. The project site is located approximately 424 feet north of the intersection of Concord Road (S.R. 3007) and MacDonald Blvd, at the boundary line where Aston Township meets Chester Township in Delaware County. (Marcus Hook, PA USGS Quadrangle N: 19.31 inches; W: 4.30 inches).

E23-464. City of Philadelphia, Division of Aviation, Philadelphia International Airport, Philadelphia, PA 19153, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To maintain, extend, and improve the existing safety area of Runway 9R located between Hog Island Road and the western terminus of Runway 9R at the Philadelphia International Airport which is situated within the 100-year floodplain of the Delaware River (Philadelphia, PA-NJ, Quadrangle N:15.5 inches, W:1.3 inches).

Additional water obstruction and encroachment activities associated with the Runway 9-R Safety Area are as follows:

1. To place and maintain fill in 0.4108 acre of wetlands (PEM). The applicant proposes to construct 0.7 acre of wetland replacement at Bartram's Garden.

2. To install and maintain a 33-inch R.C.P. stormwater outfall and appurtenant tide gate along the Delaware River.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act. [33 U.S.C.A. 1341(a)]

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E46-1051. Upper Gwynedd Township, P. O. Box 1, Parkside Place, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To relocate, enclose, and maintain approximately 400 linear feet of a channel which discharges to an unnamed tributary to the Wissahickon Creek (TSF) associated with stormwater management facility modifications for the Prospect Meadow Homes project. The proposed enclosure will have an 8-foot span and 2.5-foot rise. The proposed detention basin and its associated jurisdictional dam will be reviewed and approved under Dam Permit No. D46-349 by Central Office. The site is located about 500 feet southwest of the intersection of Hancock Road and Prospect Avenue (Lansdale, PA, Quadrangle N:16.6 inches, W:1.9 inches) in Upper Gwynedd Township, **Montgomery County**.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E09-951- Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Doylestown Township, **Bucks County**. ACOE Philadelphia District

To perform the following water obstruction and encroachment activities across Neshaminy Creek (TSF, MF) in Castle valley associated with Almshouse Road bridge replacement and approach roadway modification Project:

4. To remove the existing five span bridge, and to construct and maintain, in its place, a three span, concrete box beam bridge. The spans of the proposed bridge are at approximately 71'-9", 70'-41/2", and 69'-97/8" each with a minimum underclearance of 14.4 feet. This work temporarily impacts approximately 0.01 acre of wetlands.

5. To construct and maintain an outfall structure.

6. To construct and maintain a temporary cofferdam associated with removal of the existing bridge.

The project site is a located approximately 68 feet south of the intersection of Almshouse Road (S.R. 2089) and Lower State Road, in Doylestown Township, Bucks County. (Doylestown, PA USGS Quadrangle N: 6.62 inches; W: 4.94 inches).

E09-950. PennDOT, 7000 Geerdes Boulevard, King of Prussia, PA 19406. Nockamixon and Durham Townships, **Bucks County**, ACOE Philadelphia District.

To remove the two existing bridges at Old Easton Road and Easton Road intersection, and to construct and maintain, in its place, a 65-foot span, 10.5-foot high single-span prestress concrete bridge in and along the Gallows Run (CWF-MF) associated with road alignment enhancement at this intersection. The project includes installation and maintenance of stream improvement structures associated with stabilization of approximately 215 linear feet of stream bank. The site is located at the intersection of Old Easton Road (S.R. 0032) and Easton Road (S.R. 0611) (Riegelsville, PA, USGS Quadrangle N: 10.5 inches; West: 7.5 inches).

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

E01-295: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Huntingdon Township, **Adams County**, ACOE Baltimore District

To: (1) remove the existing structure and construct and maintain a two-span prestressed concrete spread box beam bridge, having a span of 147.17 feet, a skew of 70.0 degrees, a width of 28.0 feet, and an underclearance of 5.0 feet across Bermudian Creek (WWF, MF) for the purpose of improving transportation safety and roadway standards, (2) construct and maintain a 20.0-foot wide temporary causeway for access to the construction site, (3) construct and maintain an 8.0-foot x 100.0-foot gravel parking area along Bermudian Creek (WWF, MF) for recreational purposes, (4) construct and maintain an 18.0-inch pipe outfall with a riprap apron along Bermudian Creek (WWF, MF) for the purpose of discharging stormwater, and (5) construct and maintain an 18.0-inch pipe outfall with a riprap apron along an unnamed tributary to Bermudian Creek (WWF, MF) for the purpose of discharging stormwater. The project will temporarily impact 0.0086 acre of emergent wetland and permanently impact 0.033 acre and wetland mitigation is not required. The project is located on SR 1099 (Wiermans Mill Road) between White Church Road and South Ridge Road (Hampton, PA Quadrangle N: 17.6 inches, W: 16.5 inches; Latitude: 39°58'21", Longitude: 77°07'02") in Huntingdon Township, Adams County.

E29-097: Fulton County Conservation District, 216 North Second Street, McConnellsburg, PA 17233-4423, Big Cove Creek Streambank Stabilization and Habitat Improvement Project, Ayr Township and McConnellsburg Borough, **Fulton County**, ACOE Baltimore District

To construct and maintain a rock cross vane, 24 rock vanes, 6 mud sills and 8 habitat rock clusters in Big Cove Creek (CWF) for the purpose of improving the streambank erosions, lower elevated floodplain areas, restore the pool-riffle areas, and improve the in-stream aquatic habitat located at a point 320.0 feet downstream of SR 1004 and continuing 1,740.0 feet downstream (Meadow Grounds, PA Quadrangle N: 10.48 inches, W: 0.42 inch; Latitude: 39°55'57.80", Longitude: 78°00'10.75"; and N: 9.98 inches, W: 0.62 inch; Latitude: 39°55'47.78", Longitude: 78°00'16.04") in Ayr Township and McConnellsburg Borough, **Fulton County**.

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

E53-429. Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112-5828. Water Obstruction and Encroachment Joint Permit, Pine Creek Water Intake, in Pike Township, **Potter County**, ACOE Baltimore District (Marshlands, PA Quadrangle N: 41° 44' 16"; W: 77° 37' 21").

To construct, operate and maintain 50 linear feet of 6-inch water pipeline under Pine Creek (Exceptional Value). Construction of the pipeline will require one (1) stream and wetland crossing. The pipeline crossing is to be bored under the stream and adjacent wetlands. The project is located east of the Borough of Galeton off SR 0006 approximately 1.6 miles west of the intersection with SR 0144 in Pike Township, Potter County.

E57-120. Steven & Janet Cumberland, 159 Lake Road, Forksville, PA 18616. Water Obstruction and Encroachment Joint Permit, in Forks Township, **Sullivan County**, ACOE Susquehanna River Basin District (Eagles Mere, PA Quadrangle N: 41° 28' 29"; W: 76° 35' 18").

To construct and maintain a residential structure measuring 25 feet long and 21 feet 6 inches wide within the floodway of Loyalsock Creek (EV). This project will impact 538 square feet of the floodway associated with Loyalsock Creek, which is designated an Exceptional Value Fishery and impact 0.0 acres jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E59-501. East Resources Management, LLC, 190 Thorn Hill Road, Warrendale, PA 15086-7528, in Middlebury Township, **Tioga County**, ACOE Baltimore District (Kenneyville, PA Quadrangle N: 41°50'31.63"; W: 77°16'36.96").

To construct and maintain a 20-foot wide by 8-inch thick by 2,650-foot long course-grain rock access road within the left 50-foot floodway of Crooked Creek as part of work conducted for gas well Gee Unit # 832 located 50' 750 feet south on SR 287 from SR 249 (Kenneyville, PA Quadrangle N: 41° 16' 36.96") in Middlebury Township, Tioga County. 31.63"; W: 77 This permit was issued under Section 105.13(e) "Small Projects."

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

E63-626. Oakbrooke-Muse Partners, L.P., 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236. To remove existing and construct two 5 foot diameter pipe culverts in Cecil Township, **Washington County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 5.9 inches; W: 10.2 inches; Latitude: 40° 16' 57"; Longitude: 80°11'54"). To remove the existing structure and to construct and maintain a 50-foot long culvert structure consisting of one 72-inch diameter pipe in the channel (invert depressed 1 foot below channel bed) and two 30-inch diameter pipe culverts on the stream banks in an Unnamed Tributary to Brush Run (WWF) located on Oakbrooke Drive. To construct and maintain two outfall structures in said stream. The project is located in the proposed 135-lot Oakbrooke Estates located off SR 1005 (Muse-Bishop Road)

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

E20-581, PA DOT, District 1-0, 255 Elm Street, Oil City, PA 16301, SR 1002-B00/B01 Venango Veterans Memorial Bridge Removal, in Venango Borough and Cambridge Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41°, 46', 19"; W: -80°, 06', 33").

To complete the removal of the bridge and stabilize the disturbed areas of the Venango Veterans Memorial Bridge on SR 1002 Section B00 across French Creek authorized by DEP Emergency Permit No. EP2010603 issued on September 8, 2010.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D28-069EA. Joseph Lackey, 10138 Wharf Rd., Waynesboro, PA 17268. Quincy Township, **Franklin County**, ACOE Baltimore District.

Project proposes to breach and remove Nicademus Dam across a tributary to West Branch, Antietam Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 950 lineal feet of stream channel. The dam is located 400 feet west of the intersection of Wharf Road and SR 316 (Waynesboro, PA Quadrangle; Latitude: 39°47'22"; Longitude: - 77°36'17").

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.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

10/5/10

ESCGP-1 No.: ESX10-063-0005

Applicant Name: Chief Oil & Gas, LLC

CONTACT: Michael Hirtz

Address: 6051 Wallace Road, Ext., Suite 210

City: Wexford State: PA Zip Code: 15090

County: Indiana Township(s): Brush Valley

Receiving Stream(s) and Classifications: Brush Creek (CWF Cold Water Fishes), Blacklick Creek (TSF Trout Stocking), Other

9/13/10—10/12/10

ESCGP-1 No.: ESX10-051-0031

Applicant Name: Chief Oil & Gas, LLC

Contact Person: Michael Hirtz

Address: 6051 Wallace Road, Ext., Suite 210

City: Wexford State: PA Zip Code: 15090

County: Fayette Township(s): Henry Clay

Receiving Stream(s) and Classifications: Hen Run (WWF), HQ, Other

10/8/10 MAJOR REV.
 ESCGP-1 No.: ESX10-129-0024
 Applicant Name: Burnett Oil Company, Inc.
 Contact Person: Robert Hilliard
 Address: 601 Technology Drive, Pointe Plaza Bldg.,
 Ste 120
 City: Canonsburg State: PA Zip Code: 15317
 County: Westmoreland Township(s): Fairfield
 Receiving Stream(s) and Classifications: UNT to Tubmill
 Creek, EV

9/20/10
 ESCGP-1 No.: ESX10-125-0080
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: Indian Camp
 Run and Sugar Camp Run, HQ

10/05/10 MAJOR REV.
 ESCGP-1 No.: ESX09-125-0048 Major Revision
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 COUNTY Washington Township(s): Mt. Pleasant
 Receiving Stream(s) and Classifications: UNT to Robinson
 Run, Other

10/14/2010
 ESCGP-1 No.: ESX10-125-0073
 Applicant Name: MarkWest Liberty Midstream &
 Resources, LLC
 Contact Person: Robert McHale
 Address: 100 Plaza Drive, Suite 102
 City: Atlasburg State: PA Zip Code: 15004
 County: Washington Township(s): Blaine and Donegal
 Receiving Stream(s) and Classifications: UNTs to Buck
 Run and UNTs to Buffalo Creek, HQ

10/29/2010
 ESCGP-1 No.: ESX10-125-0084
 Applicant Name: Range Resources Appalachia LLC
 Contact Person: Carla l Suszkowski
 Address: 380 Southpointe Blvd.—Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Chartiers
 Receiving Stream(s) and Classifications: Chartiers Creek,
 Other

10/01/2010
 ESCGP-1 No.: ESX10-051-0037
 Applicant Name: Laurel Mountain Midstream, LLC
 Contact Person: Lisa Reaves
 Address: 1550 Coraopolis Heights Rd., Suite 140
 City: Moon Township State: PA Zip Code: 15108
 County: Fayette Township(s): Menallen
 Receiving Stream(s) and Classifications: UNT to Saltlick
 Run (WWF) and UNT to Dunlap Creek (WWF) Other

10/06/2010
 ESCGP-1 No.: ESX10-129-0006
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland Township(s): South Huntingdon
 Receiving Stream(s) and Classifications: UNT to
 Sewickley Creek and Youghioghey River, Other

09/23/2010
 ESCGP-1 NO.: ESX10-059-0069
 Applicant Name: Coal Gas Recovery, LLC
 CONTACT PERSON: Joanne Reilly
 ADDRESS: 158 Portal Rd., P. O. Box 1020
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Center and Wayne
 Receiving Stream(s) and Classifications: Turkey Hollow,
 UNT to Turkey Hollow & Pursley Creek, All flow to
 Southfork Tenmile Creek/Monongahela River, HQ

09/16/2010
 ESCGP-1 NO.: ESX10-129-0021 Major Revision
 Applicant Name: Williams Production Appalachia LLC
 CONTACT: David R. Freudenrich
 ADDRESS: 1000 Town Center, Suite 130
 City: Canonsburg State: PA Zip Code: 15317
 County: Westmoreland Township(s): Derry
 Receiving Stream(s) and Classifications: Union Run Other
 WWF Secondary Water Loyalhanna Creek

09/23/2010
 ESCGP-1 NO.: ESX10-051-0034
 Applicant Name: Burnett Oil Co., Inc
 CONTACT: Bart J Walker
 ADDRESS: 601 Technology Dr
 City: Canonsburg State: PA Zip Code: 15317
 County: Fayette Township(s): German and Nicholson
 Receiving Stream(s) and Classifications: Jacobs Creek—
 WWF, Other Secondary Water Monongahela River

10/01/2010
 ESCGP-1 NO.: ESX10-129-0032
 Applicant Name: Longfellow Energy, LP
 CONTACT: Sean Gabel
 ADDRESS: 4801 Gaillardia Parkway, Suite 225
 City: Oklahoma City State: OK Zip Code: 73142
 County: Westmoreland and Fayette Township(s): Donegal
 & Slatlick /Springfield
 Receiving Stream(s) and Classifications: UNTs to Indian
 Creek, to Poplar Run, to Wash Run to Fulton Run. Clay
 Run, Minnow Run and Champion Creek HQ, Other
 Secondary Water Youghioghey River

09/16/2010
 ESCGP-1 NO.: ESX10-059-0005 Major Revision
 Applicant Name: EQT Production
 CONTACT: Todd Klaner
 ADDRESS: 455 Racetrack Road
 City: Washington State: PA Zip Code: 15301
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: Grimes Run—
 WWF, Poverty Run—WWF, Ruff Creek—WWF, Other

9/20/10
 ESCGP-1 NO.: ESX09-125-0025
 Applicant Name: MarkWest Liberty Midstream &
 Resources, LLC
 CONTACT: Robert McHale
 ADDRESS: 601 Technology Drive, Suite 130
 City: Canonsburg State: PA Zip Code: 15317
 County: Greene Township(s): Greene
 Receiving Stream(s) and Classifications: Chartiers Run
 (WWF), Other

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

ESCGP-1 # ESX10-015-0298
 Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford

Township(s) Asylum Twp.
Receiving Stream(s) and Classification(s) UNTs of Ellis
Creek/Bennetts Creek, Ellis Creek, Bennetts Creek

ESCGP-1 # ESX10-115-0048
Applicant Name Chesapeake Appalachia
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Jessup and Rush Twps.
Receiving Stream(s) and Classification(s) UNT1 and
UNT2 to Elk Lake Stream, Elk Lake Stream

ESCGP-1 # ESX10-115-0049
Applicant Name Chesapeake Appalachia
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Rush Twp
Receiving Stream(s) and Classification(s) Deer Lick
Creek, East Branch Wyalusing Creek

ESCGP-1 # ESX10-131-0032
Applicant Name Chesapeake Appalachia
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Wyoming
Township(s) Washington Twp.
Receiving Stream(s) and Classification(s) UNT to Meshop-
pen Creek, Meshoppen Creek

ESCGP-1 # ESX10-117-0001(01)
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Union Twp
Receiving Stream(s) and Classification(s) UNT to
Towanda Creek / Susquehanna River Basin in PA,
Susquehanna River, Towanda Creek to Lycoming
Creek

ESCGP-1 # ESX10-117-0212
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Delmar Twp.
Receiving Stream(s) and Classification(s) East Br. Stony
Fork, Susquehanna River in PA, W. Br. Susquehanna
River, Stony Fork

ESCGP-1 # ESX10-015-0299
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Bradford
Township(s) Canton Twp
Receiving Stream(s) and Classification(s) Williams
Hollow/Susquehanna River Basin in PA, Beech
Flats Creek to Towanda Creek

ESCGP-1 # ESX10-117-0216
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga

Township(s) Charleston Twp.
Receiving Stream(s) and Classification(s) UNT Charleston
Cr, Susquehanna River Basin in PA, W. Br.
Susquehanna R, Charleston Creek to Marsh Creek

ESCGP-1 # ESX10-117-0201
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Charleston Twp.
Receiving Stream(s) and Classification(s) Hills Creek,
Susquehanna River Basin, UNT to Hills Creek,
Crooked Creek

ESCGP-1 # ESX10-027-0020
Applicant Name Enerplus Resources Corp.
Contact Person Chuck Maybee
Address Wells Fargo Center, 1700 Lincoln St, STE 1300
City, State, Zip Denver, CO 80203
County Centre
Township(s) Snow Shoe Twp.
Receiving Stream(s) and Classification(s) Sandy Run,
Beech Creek

ESCGP-1 # ESX10-015-0302
Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia
Receiving Stream(s) and Classification(s) UNT to North
Branch Sugar Creek, North Branch Sugar Creek

ESCGP-1 # ESX10-015-0300
Applicant Name EOG Resources Inc.
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Suite 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Smithfield Twp.
Receiving Stream(s) and Classification(s) Tomjack Creek,
Sugar Creek

ESCGP-1 # ESX10-117-0218
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Jackson Twp
Receiving Stream(s) and Classification(s) UNT to Seeley
Creek/Susquehanna River Basin in PA, Seeley Creek

ESCGP-1 # ESX10-015-0297
Applicant Name EOG Resources Inc
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Suite 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Springfield Twp.
Receiving Stream(s) and Classification(s) Buck Creek,
Bentley Creek

ESCGP-1 # ESX10-081-0091
Applicant Name Anadarko E&P Company, LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming
Township(s) Cogan House Twp
Receiving Stream(s) and Classification(s) Larrys Creek

ESCGP-1 # ESX10-105-0025

Applicant Name Triana Energy LLC
 Contact Person Rachelle King
 Address 900 Virginia Street, East
 City, State, Zip Charleston, WV 25301
 County Potter
 Township(s) Hector Twp.
 Receiving Stream(s) and Classification(s) Trib. to Genesee
 Forks, Dry Run, Genesee Forks

ESCGP-1 # ESX10-131-0029

Applicant Name Carrizo Marcellus, LLC
 Contact Person Gary Byron
 Address 579 Hoffman Drive
 City, State, Zip Karthaus, PA 16845
 County Wyoming
 Township(s) Monroe and Noxen Twps.
 Receiving Stream(s) and Classification(s) Beaver Run, W.
 Br. Susquehanna River

ESCGP-1 # ESX10-115-0029(01)

Applicant Name Carrizo Marcellus, LLC
 Contact Person Gary Byron
 Address 579 Hoffman Drive
 City, State, Zip Karthaus, PA 16845
 County Susquehanna
 Township(s) Forrest Lake Twp.
 Receiving Stream(s) and Classification(s) UNTs to Middle
 Branch Wyalusing Creek,

ESCGP-1 # ESX10-081-0093

Applicant Name Anadarko E&P Company, LP
 Contact Person Bertha Nefe
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Lycoming
 Township(s) Cascade Twp.
 Receiving Stream(s) and Classification(s) UNT to Salt
 Run

ESCGP-1 # ESX10-035-0011

Applicant Name Anadarko E&P Company, LP
 Contact Person Bertha Nefe
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Clinton
 Township(s) Grugan Twp.
 Receiving Stream(s) and Classification(s) Left Branch
 Boiler Run & UNT Cold Fork

ESCGP-1 # ESX10-015-0303

Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Pike Twp.
 Receiving Stream(s) and Classification(s) Williams Creek,
 Trib. to Gaylord Creek

ESCGP-1 # ESX10-015-0305

Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Warren Twp.
 Receiving Stream(s) and Classification(s) UNT to Chaffee
 Run, Wappasening Creek

ESCGP-1 # ESX10-105-0026

Applicant Name Seneca Resources Corp.
 Contact Person Mike Clinger
 Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825
 County Potter
 Township(s) Sweden Twp
 Receiving Stream(s) and Classification(s) Pine &
 Alleghany Watersheds, Big Fill Hollow & its tribs,
 Commissioner's Run and its trib. W. Br Susq. R

ESCGP-1 # ESG10-117-0177

Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga and Bradford
 Township(s) Jackson Twp (Tioga); Wells & Columbia Twps
 (Bradford)
 Receiving Stream(s) and Classification(s) Seeley Creek,
 Bailey Creek, Trib. to Wolf Creek, Wolf Creek, Mill
 Creek, Chemung River

ESCGP-1 # ESX10-117-0157

Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Nelson Twp.
 Receiving Stream(s) and Classification(s) Cowanesque
 River / Susquehanna River (PA)
 Secondary—Tioga River (NY)

ESCGP-1 # ESX10-117-0161

Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond Twp.
 Receiving Stream(s) and Classification(s) UNT to Lambs
 Cr/Mann's Cr/UNT to N. Elk Run—Susquehanna River
 Basin in PA

ESCGP-1 # ESX10-117-0164

Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Twp.
 Receiving Stream(s) and Classification(s) Elk Run/
 Susquehanna River Basin in PA, W. Br.
 Susquehanna River

ESCGP-1 # ESX10-117-0162

Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Chatham Twp.
 Receiving Stream(s) and Classification(s) UNT/Losey
 Creek to Crooked Creek/Susquehanna River Basin
 in PA; Secondary—Crooked Creek

ESCGP-1 # ESX10-117-0158

Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Twp.
 Receiving Stream(s) and Classification(s) Gaffers Creek /
 Tioga River Basin; Secondary—Elk Run—Mill Creek—
 Tioga River

- ESCGP-1 # ESX10-117-0163
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Covington Twp.
 Receiving Stream(s) and Classification(s) UNT to Tioga River/Susquehanna R Basin in PA, Tioga River, Canoe Camp Cr; Secondary—Tioga River
- ESCGP-1 # ESX10-117-0165
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond Twp.
 Receiving Stream(s) and Classification(s) UNT to Lamps Creek/Susquehanna River Basin in PA—Tioga River; Secondary—Lamps Cr to Tioga River
- ESCGP-1 # ESX10-117-0182
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston Twp.
 Receiving Stream(s) and Classification(s) Elk Run, Tioga R. Basin & UNT to Sand Run, W. Br. Susque R, UNT to Babb Cr, Sand Run, Babb Cr, Pine Cr
- ESCGP-1 # ESX10-117-0180
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Twp.
 Receiving Stream(s) and Classification(s) Gaffers Cr, Fellows Cr, Elk Run, Tioga River
- ESCGP-1 # ESX10-117-0181
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Twp.
 Receiving Stream(s) and Classification(s) UNT to Elk Run, UNT to Corey Creek, Elk Run, Corey Creek
- ESCGP-1 # ESX10-117-0171
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Middlebury Twp.
 Receiving Stream(s) and Classification(s) North Run and UNT Elkhorn Creek, Crooked Creek, Tioga River, Elkhorn Creek
- ESCGP-1 # ESX10-117-0169
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond Twp.
 Receiving Stream(s) and Classification(s) Tioga River, Susquehanna River Basin in PA, in NY: Tioga River and Chemung River
- ESCGP-1 # ESX10-117-0166
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Morris Twp.
 Receiving Stream(s) and Classification(s) Zimmerman Creek/W. Br. Susquehanna River, Texas Creek, Little Pine Creek, Pine Creek
- ESCGP-1 # ESX10-117-0172
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Twp.
 Receiving Stream(s) and Classification(s) Corey Creek, Susquehanna River, Tioga River, Fellows Creek
- ESCGP-1 # ESX10-117-0167
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Union Twp.
 Receiving Stream(s) and Classification(s) Mill Creek, Susquehanna River Basin, W. Br. Susquehanna River, Sugar Works Run
- ESCGP-1 # ESX10-117-0174
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston Twp.
 Receiving Stream(s) and Classification(s) UNT to Catlin Hollow, Susquehanna River Basin, Tioga River Basin, Catlin Hollow
- ESCGP-1 # ESX10-117-0160
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond Twp.
 Receiving Stream(s) and Classification(s) UNT to North Elk Run / Tioga River Basin, Elk Run, Tioga River
- ESCGP-1 # ESX10-027-0012
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Twp.
 Receiving Stream(s) and Classification(s) UNT to Boake Run, Secondary—Sterling Run
- ESCGP-1 # ESX10-027-0013
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Twp.
 Receiving Stream(s) and Classification(s) Little Sandy Run, Secondary—North Fork Beech Creek
- ESCGP-1 # ESX10-015-0241
 Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Smithfield Twp.
Receiving Stream(s) and Classification(s) UNT to Buck
Creek, Buck Creek

ESCGP-1 # ESX10-113-0018
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan
Township(s) Fox Twp.
Receiving Stream(s) and Classification(s) Weed Creek,
Fall Run

ESCGP-1 # ESX10-015-0202
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Ulster Twp.
Receiving Stream(s) and Classification(s) UNT to Cash
Creek, Cash Creek

ESCGP-1 # ESX10-015-0212
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Standing Stone Twp.
Receiving Stream(s) and Classification(s) UNT to
Susquehanna River & Vought Creek, Susquehanna
River, Vought Creek

ESCGP-1 # ESX10-015-0217
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Athens Twp.
Receiving Stream(s) and Classification(s) UNT to Wolcott
Creek, Wolcott Creek

ESCGP-1 # ESX10-015-0225
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Leroy and Canton Twps.
Receiving Stream(s) and Classification(s) UNTs of
Towanda Creek, Towanda Creek

ESCGP-1 # ESX10-015-0229
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Smithfield Twp.
Receiving Stream(s) and Classification(s) UNTs to Browns
Creek, Browns Creek

ESCGP-1 # ESX10-015-0230
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810

County Bradford
Township(s) Overton Twp.
Receiving Stream(s) and Classification(s) UNT Black
Creek, UNT Ladds Creek, Little Loyalsock Creek,
South Branch Towanda Creek

ESCGP-1 # ESX10-115-0030
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Auburn Twp.
Receiving Stream(s) and Classification(s) UNT to Transue
Creek, Transue Creek

ESCGP-1 # ESX10-113-0017
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan
Township(s) Fox Twp.
Receiving Stream(s) and Classification(s) UNT to Fall
Run, Fall Run

ESCGP-1 # ESX10-015-0223
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Tuscarora Twp.
Receiving Stream(s) and Classification(s) UNT to
Tuscarora Creek, Tuscarora Creek

ESCGP-1 # ESX10-115-0031
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Susquehanna
Township(s) Rush Twp.
Receiving Stream(s) and Classification(s) Tuscarora
Creek, Susquehanna River

ESCGP-1 # ESX10-015-0235
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Leroy Twp.
Receiving Stream(s) and Classification(s) UNT to
Towanda Creek, Towanda Creek

ESCGP-1 # ESX10-113-0016
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan
Township(s) Elkland Twp.
Receiving Stream(s) and Classification(s) Trib. of Elk
Creek, Elk Creek

ESCGP-1 # ESX10-015-0215
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Litchfield Twp.
Receiving Stream(s) and Classification(s) UNT to Spauld-
ing Creek, Spaulding Creek

ESCGP-1 # ESX10-015-0207
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Wysox Twp.
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River, Vought Creek, Susquehanna River

ESCGP-1 # ESX10-015-0216
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Towanda Twp.
 Receiving Stream(s) and Classification(s) UNT of French
 Run, French Run

ESCGP-1 # ESX10-015-0218
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Albany Twp.
 Receiving Stream(s) and Classification(s) UNT to Ladds
 Creek and UNT to Beaver Run, South Branch Towanda
 Creek

ESCGP-1 # ESX10-131-0027
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming
 Township(s) Windham Twp.
 Receiving Stream(s) and Classification(s) UNT of Sugar
 Run Creek, Sugar Run Creek, Little Mehoopany Creek,
 Susquehanna River

ESCGP-1 # ESX10-0117-0185
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Tioga
 Township(s) Liberty Twp.
 Receiving Stream(s) and Classification(s) Blacks Creek

ESCGP-1 # ESX10-015-0210
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Wysox Twp.
 Receiving Stream(s) and Classification(s) UNT of Johnson
 Creek, Fall Run, Johnson Creek

ESCGP-1 # ESX10-015-0219
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Terry Twp.
 Receiving Stream(s) and Classification(s) UNT to Sugar
 Run, Sugar Run

ESCGP-1 # ESX10-015-0245
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Wyalusing Twp.
 Receiving Stream(s) and Classification(s) UNT of
 Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-115-0033
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Susquehanna
 Township(s) Springville Twp.
 Receiving Stream(s) and Classification(s) Thomas Creek

ESCGP-1 # ESX10-015-0239
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Sheshequin Twp.
 Receiving Stream(s) and Classification(s) UNT to Laning
 Creek, Laning Creek

ESCGP-1 # ESX10-033-0006(01)
 Applicant Name Energy Corporation of America
 Contact Person Seth Burdette
 Address 1380 Route 286 Hwy E, Ste. 221
 City, State, Zip Indiana, PA 15701
 County Clearfield
 Township(s) Goshen Twp.
 Receiving Stream(s) and Classification(s) Trout Run,
 Secondary—W. Br. of Susquehanna River

ESCGP-1 # ESX09-033-0006(02)
 Applicant Name Energy Corporation of America
 Contact Person Seth Burdette
 Address 1380 Route 286 Hwy E, Ste. 221
 City, State, Zip Indiana, PA 15701
 County Clearfield
 Township(s) Lawrence and Goshen Twps.
 Receiving Stream(s) and Classification(s) Cozy Run, Pine
 Run, Coldstream Run, Trout Run

ESCGP-1 # ESX10-081-0070
 Applicant Name Pennsylvania General Energy Company,
 LLC
 Contact Person Amber Oyler
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 County Lycoming
 Township(s) Cummings Twp.
 Receiving Stream(s) and Classification(s) Ritter Run,
 Tarklin Run

ESCGP-1 # ESX10-127-0009
 Applicant Name Hess Corporation
 Contact Person Eugene Linscomb
 Address 500 Dallas Street
 City, State, Zip Houston, TX 77002
 County Wayne
 Township(s) Preston Twp.
 Receiving Stream(s) and Classification(s) Equinunk Creek

ESCGP-1 # ESX10-127-0010
 Applicant Name Hess Corporation
 Contact Person Eugene Linscomb
 Address 500 Dallas Street
 City, State, Zip Houston, TX 77002

County Wayne
Township(s) Scott Twp.
Receiving Stream(s) and Classification(s) UNT to Balls
Creek

ESCGP-1 # ESX10-033-0003(01)
Applicant Name Energy Corporation of America
Contact Person Benjamin Carpenter
Address 501 56th Street South East
City, State, Zip Charleston, WV 25304
County Clearfield
Township(s) Goshen Twp.
Receiving Stream(s) and Classification(s) Coldstream,
Trout and Pine Runs, W. Br. Susquehanna River

ESCGP-1 # ESX10-105-0016
Applicant Name SM Energy Company
Contact Person Marlon Wells
Address 7060 S. Yale, Ste 800
City, State, Zip Tulsa, OK 74136-5741
County Potter
Township(s) Portage Twp.
Receiving Stream(s) and Classification(s) Main Stem and
South Br. Little Portage Creek, Freeman Run

ESCGP-1 # ESX10-015-0224
Applicant Name EOG Resources, Inc.
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Ste 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Springfield Twp.
Receiving Stream(s) and Classification(s) Leondard Creek,
Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0231
Applicant Name EOG Resources, Inc.
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Ste 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Springfield Twp.
Receiving Stream(s) and Classification(s) UNT to Mill
Creek; Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0232
Applicant Name EOG Resources, Inc.
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Ste 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Ridgebury Twp.
Receiving Stream(s) and Classification(s) Trout Creek;
Secondary—Bentley Creek

ESCGP-1 # ESX10-015-0233
Applicant Name EOG Resources, Inc.
Contact Person Nathan Wells
Address 400 Southpoint Blvd, Plaza 1, Ste 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Ridgebury Twp.
Receiving Stream(s) and Classification(s) UNT to
Terwiliger Creek, Bentley Creek

ESCGP-1 # ESX10-035-0009
Applicant Name Enerplus Resources Corp.
Contact Person Robert Bleil
Address 1700 Lincoln Street, Ste. 1300
City, State, Zip Denver, CO 80203
County Clinton
Township(s) West Keating Twp.
Receiving Stream(s) and Classification(s) Birch Island
Run, W. Br. Susquehanna River

ESCGP-1 # ESX10-117-0168
Applicant Name Seneca Resources
Contact Person Mike Clinger
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Tioga
Township(s) Covington Twp.
Receiving Stream(s) and Classification(s) Tribs. of Elk
Run, Elk Run, Trib. to Marvin Creek, Marvin Creek

ESCGP-1 # ESX10-117-0130(01)
Applicant Name Seneca Resources
Contact Person Mike Clinger
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Tioga
Township(s) Shippen and Chatham Twps.
Receiving Stream(s) and Classification(s) Walker Hollow
and Left and Right Straight Run, Straight Run

ESCGP-1 # ESX10-131-0025
Applicant Name Carrizo Marcellus, LLC
Contact Person Gary Byron
Address 579 Hoffman Drive
City, State, Zip Karthaus, PA 16845
County Wyoming
Township(s) Monroe Twp.
Receiving Stream(s) and Classification(s) Bowman Creek

ESCGP-1 # ESX10-015-0248
Applicant Name Angelina Gathering Company
Contact Person Brian Bilello
Address 2350 No. Sam Houston Parkway East
City, State, Zip Houston, TX 77032
County Bradford
Township(s) Stevens and Herrick Twps.
Receiving Stream(s) and Classification(s) Cold Creek

ESCGP-1 # ESG10-115-0023
Applicant Name Chief Gathering LLC
Contact Person Ted Wurfel
Address 6051 Wallace Road Extension
City, State, Zip Wexford, PA 15090
County Susquehanna and Wyoming
Township(s) Lathrop Twp (Susquehanna); Nicholson Twp.
(Wyoming)
Receiving Stream(s) and Classification(s) Holton Creek
and East Br. Field Brook

*Northwest Region: Oil and Gas Program Manager 230
Chestnut St. Meadville, PA 16335*

ESCGP-1 #ESX10-083-0032—Reed Run Norwich Pipeline
Applicant Pennsylvania General Energy Company, L.L.C.
Contact Robert Kuntz
Address 120 Market Street
City Warren State PA Zip Code 16365
County McKean Township(s) Norwich(s)
Receiving Stream(s) and Classification(s) Havens Run,
Secondary Water Potato Creek—other

ESCGP-1 #ESX10-031-0010—Gruber Project
Applicant EQT Production Company
Contact Todd Klaner
Address 455 Racetrack Road, Suite 101
City Washington State PA Zip Code 15301
County Clarion Township(s) Elk(s)
Receiving Stream(s) and Classification(s) Canoe
Creek—HQ CWF, Deer Creek—CWF

ESCGP-1 #ESX10-065-0013—Pifer Pad
 Applicant Exco Resources (PA), LLC
 Contact Joel S. Heiser
 Address 3000 Ericsson Drive, Suite 200
 City Warrendale State PA Zip Code 15086
 County Jefferson Township(s) Henderson(s)
 Receiving Stream(s) and Classification(s) Windfall Run,
 UNT to Big Run—CWF, HQ

ESCGP-1 #ESX10-047-0011—Longhorn WDV1 Well Pad
 Applicant EQT Production Company
 Contact Todd Klaner
 Address 455 Racetrack Road, Suite 101
 City Washington State PA Zip Code 15301
 County Elk Township(s) Jay(s)
 Receiving Stream(s) and Classification(s) Bakemans Run,
 UNT to Bennett Branch, Sinnemahoning Creek/Bennett
 Branch Sinnemahoning Creek—Other

ESCGP-1 #ESX10-019-0048.—Kozik Brothers Construc-
 tion Inc. No. 3H
 Applicant Phillips Exploration, Inc.
 Contact Gary Clark
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Summit(s)
 Receiving Stream(s) and Classification(s) UNT to Coal
 Run, Coal Run—WWF

ESCGP-1 #ESX10-047-0006—James City—Phase II
 Applicant Seneca Resources
 Contact Douglas A. Kepler
 Address 51 Zents Boulevard
 City Brookville State PA Zip Code 15825
 County Elk Township(s) Highland(s)
 Receiving Stream(s) and Classification(s) UNT to Wolf
 Run, Ellithorpe Run—HQ—CWF

ESCGP-1 #ESX10-047-0003A—Owl's Nest Major
 Modification
 Applicant Seneca Resources
 Contact Douglas A. Kepler
 Address 51 Zents Boulevard
 City Brookville State PA Zip Code 15825
 County Elk Township(s) Highland(s)
 Receiving Stream(s) and Classification(s) Hill Run, Pigeon
 Run, and Big Run—HQ-CWF

ESCGP-1 #ESX10-031-0011—Steele Project
 Applicant EQT Production Company
 Contact Todd Klaner
 Address 455 Racetrack Road, Suite 101
 City Washington State PA Zip Code 15301
 County Clarion Township(s) Toby and Madison (s)
 Receiving Stream(s) and Classification(s) Catfish Run—
 WWF, Cherry Run—CWF, Licking Creek—CWF, Alle-
 gheny River

SPECIAL NOTICES

Request for Proposals Municipal Solid Waste Disposal and Processing Capacity

**Indiana County Solid Waste Authority
 Homer City, Pennsylvania**

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Indiana County Board

of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Indiana County Solid Waste Authority, on behalf of the Board of Commissioners is hereby soliciting proposals for disposal and processing capacity for Indiana County generated MSW.

Solicitation for Municipal Solid Waste Disposal and Processing Capacity

The Indiana County Solid Waste Authority will receive sealed proposals until 3:00 p.m., Prevailing Time on Monday, November 22, 2010. Copies of the Request for Proposals (R.F.P.) may be purchased on or after October 25, 2010 only from Timothy T. Long, Executive Director, Indiana County Solid Waste Authority, P. O. Box 270, 1715 Route 119 South, Homer City, PA 15748 by prepayment of a non-refundable amount of \$50.00 per proposal. Proposers should make checks payable to Indiana County Solid Waste Authority. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit one (1) original and three (3) copies of the Proposal to Indiana County Solid Waste Authority at the address listed below. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Indiana County Solid Waste Authority, P. O. Box 270, 1715 Route 119 South, Homer City, PA 15748 Attention: Mr. Timothy T. Long, Executive Director. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Indiana County Solid Waste Authority and the Indiana County Board of Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County

Somerset County Board of Commissioners Somerset, Pennsylvania

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), Somerset County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Somerset County Board of Commissioners is hereby soliciting proposals for disposal and processing capacity for Somerset County generated MSW, to begin in 2011.

Solicitation for Municipal Solid Waste Disposal and Processing Capacity

The Somerset County Board of Commissioners will receive sealed proposals until 3:00 p.m., Prevailing Time on Monday, November 8, 2010. Copies of the Request for Proposals (R.F.P.) may be purchased on or after October 11, 2010 only from Brad Zearfoss, Director, Somerset

County Planning Commission, 300 N. Center Avenue., Suite 540, Somerset, PA 15501 by pre-payment of a non-refundable amount of \$50.00 per proposal. Proposers should make checks payable to Somerset County. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit one (1) original and two (2) copies of the Proposal to Somerset County Planning Commission at the address listed below. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Somerset County Planning Commission, 300 N. Center Avenue., Suite 540, Somerset, PA 15501. Attention: Mr. Brad Zearfoss, Director, Somerset County Planning Commission. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Somerset County Board of Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Southwest Region: Waste Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222

The Department of Environmental Protection (Department) approved the Fayette County Municipal Waste Management Plan Revision on September 15, 2010.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the 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 may contact the Environmental Hearing Board (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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Lawrence Holley, Environmental Program Manager, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Sharon Svitek, Regional Recycling and Planning Coordinator, Bureau of Waste Management at the previous Regional Office.

Notice of Proposed Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

**Rutgers Organics Corporation
Centre County**

The Department of Environmental Protection (DEP), under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601—9675 (CERCLA), and the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, as amended, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), has entered into a proposed Consent Decree in *United States of America and Commonwealth of Pennsylvania, Department of Environmental Protection v. Rutgers Organics Corporation*, Civil Action No. 10-2113. The proposed Consent Decree was filed with the United States District Court for the Middle District of Pennsylvania on October 12, 2010. The proposed Consent decree resolves the claims of the United States and DEP against Rutgers Organics Corporation (Rutgers) for injunctive relief and for recovery of costs expended by those agencies, in connection with the cleanup of the Centre County Kepone Site (Site).

The Site consists of an approximate 35-acre property near State College, Pennsylvania and is currently owned by Rutgers. Rutgers, or its predecessors, conducted chemical manufacturing at the Site from approximately 1958-2004, manufacturing a variety of chemicals used in the pharmaceutical, pesticide, metal plating and plastics industries. The Site has been on the federal National Priorities List since 1983. Cleanup measures have been conducted by Rutgers for more than twenty years with oversight by EPA and DEP.

The proposed Consent Decree requires Rutgers to implement the Record of Decision for Operable Unit Two (July 2009), which is the remaining cleanup at the Site. In addition, the proposed Consent Decree requires Rutgers to reimburse the United States about \$136,000 in reimbursement of its past cleanup-related costs, reimburse DEP about \$82,000 for its similar past costs, and pay all future response costs.

This Notice is provided under Section 1113 of HSCA. The proposed Consent Decree is subject to final approval by the federal court, the United States of America, and the DEP. The proposed Consent Decree, which contains the specific terms of the proposed settlement, is available for public review and public comment. The proposed Consent Decree, and other Site documents, can be viewed from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northcentral Regional Office, 208 West

Third Street, Williamsport, PA 17701. Persons wishing to review those documents must contact Kathy Arndt (570) 327-3636, in advance, to arrange an appointment. Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact the Pennsylvania AT&T Relay Services at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs. Pursuant to HSCA, there is a 60-day public comment period on the proposed Consent Decree. Persons may

submit written comments on the proposed Consent Decree, before January 5, 2011 by mailing them to Cheryl Sinclair at DEP's Northcentral Regional Office, 208 West Third Street, Williamsport, PA 17701. Any questions concerning this Notice should be directed to Cheryl Sinclair at (570) 327-3429. Electronic copies of the proposed Consent Decree and other Site-related documents are available at the EPA's website: http://www.justice.gov/enrd/Consent_Decrees.html.

Request for Proposals for Professional Engineering/Survey Services

Issuing Office: Bureau of Waterways Engineering, Department of Environmental Protection, Commonwealth of Pennsylvania, 3rd Floor Rachel Carson State Office Building, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

RFP Number BWE-10-02

Date of Issuance November 6, 2010

Request for Proposals for

BWE-10-02

Calendar of Events

The Commonwealth will make every effort to adhere to the following schedule:

<i>Activity</i>	<i>Responsibility</i>	<i>Date</i>
Advertise RFP	Issuing Office	11/6/2010
Deadline to submit Questions via email to jkernoscha@state.pa.us	Potential Offerors	11/19/2010
Answers to Potential Offeror questions e-mailed to the Offerors no later than this date	Issuing Office	12/3/2010
Sealed Proposal must be received by the Issuing Office at PA Department of Environmental Protection Bureau of Waterways Engineering P. O. Box 8460 Harrisburg, PA 17105-8460	Offerors	4:00 PM 12/17/2010
Proposed Contract Award Date	Issuing Office	03/01/2011

Part I. General Information

I-1. Authority and Objective. The Department of Environmental Protection (Department) is authorized under Section 905 of the Commonwealth Procurement Code (62 Pa.C.S.101 *et seq.*) ("CPC") to procure professional services. Pursuant to this authority, the Department will retain two Professional Surveying/Engineering firms to provide topographic, cross sectional, and property surveys for the design and construction of flood protection, dam safety, and stream improvement projects throughout Pennsylvania.

I-2. Specific. It is the intent of the Department that the contracts awarded as a result of this RFP will be for a five (5) year period. Funding for the first year will be \$150,000, with additional years' funding dependent upon the availability of funds, with an anticipated contract total of \$750,000. The contracts will be based on the hours of service and qualifying expenses not exceeding the contract amount. Projects will be assigned on an as-needed basis.

Interested firms must have professional registered surveyors licensed to practice in Pennsylvania on their staffs that have experience in the types of surveys required. Small engineering/survey firms, small disadvantaged business firms, socially disadvantaged business firms and other engineering firms, which have not previously performed work for the Department, are encouraged to submit proposals.

I-3. Response Date. To be considered for selection, hard copies of proposals must arrive at the Issuing Office on or before the time and date specified in the RFP Calendar of Events. The Issuing Office will not accept proposals via email or facsimile transmission. Offerors who send proposals by mail or other delivery service should allow sufficient delivery time to ensure timely receipt of their proposals. If, due to inclement weather, natural disaster, or any other cause, the Commonwealth office location to which proposals are to be returned is closed on the proposal response date, the deadline for submission will be automatically extended until the next Commonwealth business day on which the office is open, unless the Issuing Office otherwise notifies Offerors. The hour for submission of proposals shall remain the same. The Issuing Office will reject unopened, any late proposals.

I-4. Type of Contract. It is proposed that if the Issuing Office enters into a contract as a result of this RFP, it will be a standard design professional contract, with payment to be made on a time and materials basis. The Issuing Office, in its sole discretion, may undertake negotiations with Offerors whose proposals, in the judgment of the Issuing Office, show them to be qualified, responsible and capable of performing the Project.

I-5. Addenda to the RFP. If the Issuing Office deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will issue an addendum to all proposers who have requested a copy of the RFP.

I-6. Discussions for Clarification. Offerors may be required to make an oral or written clarification of their proposals to the Issuing Office to ensure thorough mutual understanding and Offeror responsiveness to the solicitation requirements. The Issuing Office will initiate requests for clarification.

I-7. Issuing Office. The Department of Environmental Protection ("Issuing Office") has issued this RFP on behalf of the Commonwealth. The sole point of contact and Issuing Officer in the Commonwealth for this RFP shall be:

James J. Kernoschak, P.E., Chief
Ohio Watershed Section
Bureau of Waterways Engineering
Department of Environmental Protection,
400 Market Street, 3rd Floor RCSOB
P. O. Box 8460
Harrisburg, PA 17105-8460

E-mail address: jkernoscha@state.pa.us
Please refer all inquiries to the Issuing Officer.

I-8. Rejection of Proposals. The Issuing Office reserves the right, in its sole and complete discretion, to reject any proposals received as a result of this RFP.

Part II. Scope of Work

II-1. Nature and Scope of the Project. Professional services will include, but may not be limited to: surveys in and along streams and floodplains to give an accurate depiction of existing field conditions for hydrologic and hydraulic modeling and analyses, with detailed survey information required at bridges and drainage structures; surveys of residential, commercial, and industrial structures/buildings including first floor and basement floor elevations; topographic surveys to be used for project design; property surveys to identify lands needed for project construction; and construction surveys to layout construction baselines and obtain cross sections for determining construction quantities.

II-2. Requirements. The Engineering/Surveying firm must have professional registered surveyors, licensed to practice in Pennsylvania, on their staffs that have experience in the types of surveys required. It is the intent of the Commonwealth to select two firms; the highest qualified firm in the eastern part of the state and the highest qualified firm in the western part of the state. However, assignments to either firm may include projects throughout the Commonwealth. Projects will be assigned on an as needed basis at the discretion of the Commonwealth. The selected firms may be required to perform work on multiple projects concurrently; therefore, it is important that the selected firms proceed with each assignment to completion on a timely basis.

II-3. Tasks and Reports

1. Prior to the Department assigning a specific project, the professional shall submit a written proposal that identifies the work elements of each task, the resources assigned to each task, the time allotted to each element, and the deliverable items produced. This may require a preliminary meeting for each project with the Department. The Department will review the proposal and when deemed satisfactory will issue a written notice to proceed to the Consultant.

2. A final report shall be submitted to the Department for each project assignment.

Part III. Disadvantaged Business Participation

PART III-I. General Information

Disadvantaged Business Information

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures, and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

a. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)-certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and

b. United States Small Business Administration certified 8(a) small disadvantaged business concerns.

c. Businesses that BMWBO determines meet the Small Business Administration criteria for designation as a small disadvantaged business.

Small businesses are businesses in the United States which are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent employees, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to:

Department of General Services
Bureau of Minority & Women Business
Opportunities
Room 611, North Office Building
Harrisburg, PA 17125
Phone: (717) 783-3119
FAX: (717) 787-7052
Email: gs-bmwbo@state.pa.us
Website: www.portal.state.pa.us/portal/server.pt?open=512&objID=1360&mode=2

A database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx. The federal vendor database can be accessed at www.ccr.gov by clicking on *Dynamic Small Business Search* (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones:

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas the Commonwealth has identi-

fied as Designated Enterprise Zones, as prime contractors, joint ventures, and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting:

Aldona M. Kartorie
Center for Community Building
PA Department of Community and Economic Development
4th Floor Keystone Building
400 North Street
Harrisburg, PA 17120-0225
Phone: (717) 720-7409
Fax: (717) 787-4088
Email: akartorie@state.pa.us
www.newpa.com/programDetail.aspx?id=76

PART III-2. Disadvantaged Businesses Submittal

a. Disadvantaged Business Information

i) To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as indicated below:

1) A Small Disadvantaged Business certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2) Businesses certified by the U.S. Small Business Administration pursuant to Section 8(a) of the *Small Business Act* (15 U.S.C. § 636(a)) as an 8(a) small disadvantaged business must submit proof of U.S. Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.

3) Businesses, which assert that they meet the U.S. Small Business Administration criteria for designation as a small disadvantaged business, must submit: a) self-certification that the business meets the Small Business Administration criteria, and b) documentary proof to support the self-certification. The owners of such businesses must also submit proof of United States citizenship, and provide any relevant disadvantaged business certifications by other certifying entities.

4) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an

8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

5) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an 8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii) All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender. The submitted evidence of prejudice or bias must:

1) Be rooted in treatment which the business person has experienced in American society, not in other countries.

2) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii) In addition to the above verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) Those Small Disadvantaged Businesses submitting a proposal as the Offeror, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Offeror and not by subcontractors and suppliers.

2) Those Small Disadvantaged Businesses submitting a proposal as a part of a joint venture partnership, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Small Disadvantaged Business joint venture partner and not by subcontractors and suppliers or by joint venture partners who are not Small Disadvantaged Businesses. Offeror must also provide:

a) The amount of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide.

b) A copy of the joint venture agreement signed by all parties.

c) The business name, address, name and telephone number of the primary contact person for the Small Disadvantaged Business joint venture partner.

3) All Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Disadvantaged Businesses as subcontractors. To support its total percentage DB subcontractor commitment, Offeror must also include:

a) The dollar amount of each subcontract commitment to a Small Disadvantaged Business;

b) The name of each Small Disadvantaged Business. The Offeror will not receive credit for stating that after the contract is awarded it will find a Small Disadvantaged Business.

c) The services or supplies each Small Disadvantaged Business will provide, including the timeframe for providing the services or supplies.

d) The location where each Small Disadvantaged Business will perform services.

e) The timeframe for each Small Disadvantaged Business to provide or deliver the goods or services.

f) A signed subcontract or letter of intent for each Small Disadvantaged Business. The subcontract or letter of intent must identify the specific work, goods or services the Small Disadvantaged Business will perform and how the work, goods or services relates to the project.

g) The name, address and telephone number of the primary contact person for each Small Disadvantaged Business.

4) The total percentages and each subcontractor commitment will become contractual obligations once the contract is fully executed.

5) The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business information.

iv) The Offeror is required to submit two copies of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v) A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vi) An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

b. Enterprise Zone Small Business Participation

i) To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3) Proof of United States citizenship of the owners of the business.

4) Certification that the business employs 100 or fewer employees.

5) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii) In addition to the above verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

2) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

4) The total cost amount submitted in the Offeror's cost proposal and the estimated dollar value of the contract to each Enterprise Zone Small Business.

5) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

6) The location where each Enterprise Zone Small Business will perform these services.

7) The timeframe for each Enterprise Zone Small Business to provide or deliver the goods or services.

8) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

9) The form and amount of compensation each Enterprise Zone Small Business will receive.

10) For a joint venture agreement, a copy of the agreement, signed by all parties.

11) For a subcontract, a signed subcontract or letter of intent.

iii) The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

1) The amount of the selected Offeror's Enterprise Zone Small Business commitment;

2) The name of each Enterprise Zone Small Business; and

3) The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

PART III-3. Criteria for Selection

Disadvantaged Business Participation:

BMWBO has established the weight for the Disadvantaged Business Participation criterion for this RFP as 20% of the total points. Evaluation will be based upon the following in order of priority:

- Priority Rank 1 Proposals submitted by Small Disadvantaged Businesses.
- Priority Rank 2 Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.
- Priority Rank 3 Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.
- Priority Rank 4 Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the above-listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation:

In accordance with the priority ranks listed below, bonus points in addition to the total points for this RFP, will be given for the Enterprise Zone Small Business Participation criterion. The maximum bonus points for this criterion is 3% of the total points for this RFP. The following options will be considered as part of the final criteria for selection:

- Priority Rank 1 Proposals submitted by an Enterprise Zone Small Business will receive the highest score.
- Priority Rank 2 Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.
- Priority Rank 3 Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.
- Priority Rank 4 Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

PART III- 4. Work Statement

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation:

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business partici-

pation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an offeror to receive credit for disadvantaged businesses utilization.

Part IV. Criteria for Selection of Highest Qualified Firm; Fee Negotiation

IV-1. Highest Qualified Firm Determination

All proposals received from Professionals will be reviewed and evaluated by the Department in accordance with the selection method set forth in Section 905 of the CPC. The Department will select two (2) firms based on qualifications, demonstrated competence, and the Department's opinion as to the firms' ability to respond and complete a requested service in a timely manner. The following factors will be considered by the technical review committee during evaluation of proposals. These factors are for guidance only and are not necessarily listed in order of weight. Each proposal shall be related to these factors.

1. Technical:

Evaluation will be based upon the following:

a. Past Record of Performance, with respect to quality of work, meeting established time schedules, and cost efficiency.

b. Experience, competence, and specialized technical skills of key personnel.

c. Ability to satisfactorily perform the services contemplated in this solicitation.

d. Projected workload and manpower availability, and how they may affect response time and the completion of requested services.

e. Equitable Distribution of Contracts to Design Professionals. The Commonwealth will make a reasonable attempt to equalize the assignment of contracts to qualified professionals.

2. Non-Technical

a. Disadvantaged Businesses participation (Evaluated by DGS).

b. Enterprise Zone Small Business participation (Evaluated by DGS).

Proposers shall relate their proposal to the above criteria.

IV-2. Fee Negotiation

In accordance with the selection method in Section 905 (g) of the CPC, once the Department has determined the highest qualified firm, it will request cost data from that firm as a basis for negotiating a fee determined to be fair and reasonable to the Commonwealth. If a satisfactory contract with this firm is not negotiated, negotiations shall be formally terminated and the Department shall begin negotiations with the firm determined to be the second highest qualified firm, and so forth, until a contract is negotiated with a firm determined to be qualified.

Part V. General Requirements for Submission

Firms interested in performing the required services for this project are invited to submit Proposals to Patricia McSparran, Director, Bureau of Waterways Engineering, Department of Environmental Protection, Rachel Carson State Office Building, 3rd Floor, 400 Market Street, P. O. Box 8460 Harrisburg, PA 17105-8460. Contact James Kernoschak at 717.783.0155 for general information concerning the survey work.

Each Letter of Interest must include the firm's federal identification number and the project reference number. The Letter of Interest shall indicate the firm's capability of working on multiple projects at the same time and understanding of the Department's needs; and shall address all technical criteria for selection set forth in Section IV-1.1. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Form 150-ASP may be obtained from the DGS website or by contacting the Issuing Officer. Additional information pertinent to the firm's qualifications to do the work of this contract shall be included with the Letter of Interest. Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

A complete Proposal shall consist of the following:

1. *Non-Technical Submittal*

One copy of the Disadvantaged Business/Enterprise Zone Small Business section, bound and sealed separately from the remainder of the proposal; and

2. *Technical Submittal*

Six (6) copies of the complete set consisting of the Letter of Interest and the required form 150- ASP. Proposals must be received no later than 4:00 p.m. on December 17, 2010. The six (6) copies of the Technical Submittal shall be submitted in six (6) complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment of services will be made, if at all, to two or more of the firms responding to this notice. However, the Department reserves the right to reject all Proposals submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever as to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

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

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

08101006. TMT Gravel and Contracting, Inc. (112 Farrier Avenue, Suite 314, Oneida, NY 13421-1637), authorization to extract sandstone, sand, and gravel in Wells Township, **Bradford County** to provide fill material to the Various Marcellus Well Pads construction project. Receiving stream(s): Seeley Creek and Chemung River. Application received: August 27, 2010. Permit issued: October 15, 2010.

[Pa.B. Doc. No. 10-2108. Filed for public inspection November 5, 2010, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 550-2116-001. Title: Policy for the Evaluation of Impacts of Oil and Gas Development on State Parks and State Forests. Description: This guidance implements Section 205(c) of the Oil and Gas Act by ensuring that well operators properly coordinate with Department of Conservation and Natural Resources to determine the impact of proposed oil and gas wells on State Park or State Forest land prior to their submission of well permit applications for such proposed wells to Department. Contact: Questions regarding the recession of this policy document should be directed to Scott Perry, Director, Bureau of Oil and Gas Management, by e-mail at scperry@state.pa.us or by telephone at (717) 772-2199.

Effective Date: October 25, 2010.

Rescission of Technical Guidance

DEP ID: 012-0900-002. Title: Secretary's Directive on Review of Existing Regulations and Technical Guidance Documents. Description: This document is being rescinded because the project it relates to has been completed. Contact: Questions regarding the recession of this policy document should be directed to Robert Altenburg by e-mail at raltenburg@state.pa.us or by telephone at (717) 783-8727.

Effective Date: November 6, 2010.

DEP ID: 012-0200-003. Title: Interim Public Access to Information Policy. Description: This document is being rescinded because it does not reflect current legislation and Department policy following the passage of Pennsylvania's new Right to Know Law (Act 3 of 2008). Contact: Questions regarding the recession of this policy document should be directed to Robert Altenburg by e-mail at raltenburg@state.pa.us or by telephone at (717) 783-8727.

Effective Date: November 6, 2010.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2109. Filed for public inspection November 5, 2010, 9:00 a.m.]

Bid Opportunity

BOGM 10-6, Cleaning out and plugging one abandoned and gas wells, (Anne Jeanne Tanski Property), Shaler Township, Allegheny County. The principal items of work include cleaning out and plugging one abandoned gas well, estimated to be 3,500 feet in depth, to the Department of Environmental Protection's specifications, preparation and restoration of the well site and mobilization and demobilization plugging equipment. This project issues on November 5, 2010, and bids will be opened on December 7, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out

more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2110. Filed for public inspection November 5, 2010, 9:00 a.m.]

Residential Geothermal Loan Program

The Department of Environmental Protection (Department) announces an opportunity for individuals to qualify for loans under the Residential Geothermal Loan Program (program). The program, authorized through the American Recovery and Reinvestment Act of 2009 (42 U.S.C.A § 5301), provides financing options to assist homeowners seeking to install geothermal heat pumps and whole house energy efficiency improvements, such as air sealing and insulation measures. The program is made available through the Keystone Home Energy Loan Program (Keystone HELP) by means of the Interagency Agreement between the Treasury Department and the Department. Keystone HELP is administered by AFC First Financial Corporation, a Commonwealth energy efficiency lender. The program was established to offer a prudent investment opportunity for public funds. The program also provides cost-effective energy savings to homeowners and creates jobs while promoting a qualified geothermal workforce.

To qualify for the loans, individuals must utilize a Keystone HELP contractor that is qualified to perform the work financed by the loan being sought. Additionally, individuals must certify that the project will be installed on a residence that is owned and occupied by the applicant, is the individual's primary residence and is located in this Commonwealth. The individual must agree not to accept any rebates or incentives available by an electric distribution company under the act of October 15, 2008 (P. L. 1592, No. 129). The individual must agree to disclose basic energy usage and energy cost information in the manner stipulated in the Keystone HELP program guidance. A total Department program budget is set at \$5,000,000. The budget includes funding to individuals for loan interest rate buy-down and various components necessary for program administration.

Program guidelines and application forms will be available through the Keystone HELP program web site, www.keystonehelp.com, or by contacting AFC First at (888) AFC-FIRST (232-3477) or (610) 433-7486.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2111. Filed for public inspection November 5, 2010, 9:00 a.m.]

Technical Assistance Center for Small Water Systems Committee Special Meeting

The Technical Assistance Center for Small Water Systems Committee will hold a special meeting on Friday, November 19, 2010, from 10 a.m. to 12 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The purpose of the meeting is to review a Guidance Document for 4-Log Treatment of Viruses to assist with compliance of the new Ground Water Rule.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Questions concerning this meeting should be directed to Veronica Kasi at (717) 787-0122 or vbkasi@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's web site (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2112. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

StoneRidge Popular Run
450 East Lincoln Avenue
Myerstown, PA 17067
FAC ID 055702

StoneRidge Towne Centre
7 West Park Avenue
Myerstown, PA 17067
FAC ID 051102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF,
Acting Secretary

[Pa.B. Doc. No. 10-2113. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Thesen Specialty Contractor, Inc. and Mark A. Thesen, Individually EIN No. 23-2874522	298 Martin Road Carlisle, PA 17015	10/18/2010

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-2114. Filed for public inspection November 5, 2010, 9:00 a.m.]

Request for Bids

PennSERVE announces the availability of grant funding for operation of local AmeriCorps programs beginning in August 2011. Eligible applicants are public and private nonprofit organizations, including labor organizations; community and faith-based organizations; government agencies; and institutions of higher education. The grants support the recruitment, training and management of AmeriCorps members who meet local needs in the areas of education, the environment, health, veterans services and other critical needs. A cash or in-kind match is required. Complete applications are due by 3 p.m. on Friday, December 3, 2010. The AmeriCorps Application and Instructions (RFA #2011-ACS-01) are available on the PennSERVE web site located at www.dli.state.pa.us/pennserve or by calling (866) 673-7838.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-2115. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

Purpose of Notice

The Department of Public Welfare (Department) is providing final notice of a decrease in the funding allocation for Fiscal Year (FY) 2009-2010 for disproportionate

share hospital (DSH) payments to certain qualifying hospitals based on obstetrical and neonatal intensive care cases. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to decrease the allocation of funding for these DSH payments at 40 Pa.B. 2720 (May 22, 2010). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

Fiscal Impact

The FY 2009-2010 fiscal impact as a result of this reduction is \$1.107 million (\$0.500 million in State General Funds).

MICHAEL P. NARDONE,
Acting Secretary

Fiscal Note: 14-NOT-662. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-2116. Filed for public inspection November 5, 2010, 9:00 a.m.]

Payments for Burn Center Services

Purpose of Notice

The Department of Public Welfare (Department) is providing final notice of a change to the funding allocation for Fiscal Year (FY) 2009-2010 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to change the funding allocated for DSH payments to certain qualifying MA enrolled acute care general hospital burn centers at 40 Pa.B. 2720 (May 22, 2010). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

Fiscal Impact

The FY 2009-2010 fiscal impact, as a result of this additional class of DSH payments is \$10.246 million (\$4.630 million in State General Funds and \$5.616 million in Federal Funds).

MICHAEL P. NARDONE,
Acting Secretary

Fiscal Note: 14-NOT-666. (1) General Fund; (2) Implementing Year 2009-10 is \$4,630,000; (3) 1st Succeeding Year 2010-11 is \$0; 2nd Succeeding Year 2011-12 is \$0; 3rd Succeeding Year 2012-13 is \$0; 4th Succeeding Year 2013-14 is \$0; 5th Succeeding Year 2014-15 is \$0; (4) 2008-09 Program—\$5,170,000; 2007-08 Program—\$5,000,000; 2006-07 Program—\$5,000,000; (7) Hospital Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 10-2117. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XI Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XI.

2. *Price:* The price of a Pennsylvania Millionaire Raffle XI lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle XI lottery game tickets sales will commence on or after November 19, 2010, and will continue until all 500,000 tickets have been sold, or 5:00 p.m. on January 1, 2011, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XI lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XI lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XI will be televised on January 1, 2011, at or about 7:00 p.m. The drawing will be conducted with the aid of an electronic device. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

Ticket Matching Exactly the Unique Eight-digit Number Drawn:

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

All Pennsylvania Millionaire Raffle XI lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XI lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle XI or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XI lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* Unclaimed prize money on winning PA Millionaire Raffle XI lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the raffle lottery game. If no claim is made within 1 year of the announced close of the raffle lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

13. *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.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-2118. Filed for public inspection November 5, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2010

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2010.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XI prizes and determination winners are as follows:

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
84.86	5,892

public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2010, is the close of business on February 1, 2011. Applications shall be filed with the Bureau of Aviation using dotGrants, the Department's web based grants administration program. For more detailed information, review the information on the Department's web site at www.dot.state.pa.us.

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement program to Karen Heath, Western Region at (717) 705-1205 or Catherine Green, Eastern Region at (717) 705-1222.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 10-2119. Filed for public inspection November 5, 2010, 9:00 a.m.]

Meetings Scheduled

State Transportation Commission

The State Transportation Commission will hold a quarterly business meeting on Wednesday, November 10, 2010, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building,

Harrisburg, PA. For more information, contact Nolan Ritchie at (717) 787-2913 or nritchie@state.pa.us.

Motor Carrier Safety Advisory Committee

The Motor Carrier Safety Advisory Committee (MCAC) will hold a regularly scheduled meeting on Thursday, November 18, 2010, from 12:30 p.m. to 3 p.m. at the Turnpike Commission Building, Harrisburg, PA. For more information, contact Ryan McNary at (717) 787-3656 or rymcnary@state.pa.us.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 10-2120. Filed for public inspection November 5, 2010, 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 21, 2010, and announced the following:

Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective October 20, 2010:

Insurance Department #11-243: Standards to Define Insurers Deemed to be in Hazardous Financial Condition (amends 31 Pa. Code Chapter 160)

Bureau of Professional and Occupational Affairs #16A-6804: Schedule of Civil Penalties—Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired (amends 49 Pa. Code Chapter 43b)

Action Taken—Regulations Approved:

Department of Revenue #15-448: Personal Income Tax—Innocent Spouse Relief (amends 61 Pa. Code § 119.30)

Department of Public Welfare #14-516: Nonpublic and County Nursing Facilities (amends 55 Pa. Code Chapters 1187 and 1189)

Environmental Quality Board #7-465: Mercury Emissions: Repeal (deletes 25 Pa. Code §§ 123.201 to 123.215)

Environmental Quality Board #7-454: Administration of the Uniform Environmental Covenants Act (amends 25 Pa. Code Chapter 253)

Environmental Quality Board #7-453: Administration of the Land Recycling Program (amends 25 Pa. Code Chapter 250)

Environmental Quality Board #7-442: Beneficial Use of Coal Ash (amends 25 Pa. Code Chapters 287, 290 and 299)

Environmental Quality Board #7-448: Paper, Film and Foil Surface Coating Processes (amends 25 Pa. Code Chapters 121 and 129)

State Real Estate Commission #16A-5618: Seller Property Disclosure Statement (amends 49 Pa. Code Chapter 35)

Bureau of Professional and Occupational Affairs #16A-51: Schedule of Civil Penalties—Veterinarians and Veterinary Technicians (amends 49 Pa. Code § 43b.21a)

Action Taken—Regulations Disapproved:

State Board of Funeral Directors #16A-4818: Continuing Education Enforcement (amends 49 Pa. Code Chapter 13)

Bureau of Professional and Occupational Affairs #16A-47: Schedule of Civil Penalties—Funeral Directors and Funeral Establishments (amends 49 Pa. Code § 43b.6)

Approval Order

Public Meeting held
October 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Revenue—
Personal Income Tax—Innocent Spouse Relief;
Regulation No. 15-448 (#2829)*

On March 29, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code § 119.30. The proposed regulation was published in the April 10, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 10, 2010.

This regulation implements a provision of Act 87 of 2002 which allows an innocent spouse to claim relief from state tax liability if the spouses are separated and the innocent spouse was unaware of an understatement of taxes in the joint filing.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 3310-212(d)) 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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Public Welfare—
Nonpublic and County Nursing Facilities;
Regulation No. 14-516 (#2778)*

On July 21, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 1187 and 1189. The proposed regulation was published in the August 1, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 2010.

This final-form regulation amends the payment methodology for Medical Assistance nursing facility services as directed by Act 44 of 2008. It also makes revisions to streamline and simplify rate-setting for non-public nursing facilities and eliminates obsolete regulatory provisions.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1) 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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine- man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—
Mercury Emissions: Repeal;
Regulation No. 7-465 (#2875)*

On September 17, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (Board). This rulemaking deletes 25 Pa. Code §§ 123.201 to 123.215. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation repeals 25 Pa. Code §§ 123.201 to 123.215, the "Standards for Contaminants Mercury Emissions," in their entirety.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. § 4005(a)(1)) 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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine- man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—Administration
of the Uniform Environmental Covenants Act;
Regulation No. 7-454 (#2824)*

On February 24, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 253. The proposed regulation was published in the March 6, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 20, 2010.

This regulation implements Act 68 of 2007, the Uniform Environmental Covenants Act.

We have determined this regulation is consistent with the statutory authority of the Board (27 Pa.C.S.A. § 6515(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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine- man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—
Administration of the Land Recycling Program;
Regulation No. 7-453 (#2823)*

On February 24, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 250. The proposed regulation was published in the March 6, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 20, 2010.

This final-form rulemaking updates numeric Statewide health-based standards relating to the cleanup of contaminated sites under the Land Recycling and Environmental Remediation Standards Act.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 6026.104(a) and 6026.303(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulga- tion of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
October 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine- man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—
Beneficial Use of Coal Ash;
Regulation No. 7-442 (#2808)*

On October 28, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 287, 290 and 299. The proposed regulation was published in the November 7, 2009 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 20, 2010.

This regulation establishes requirements and procedures for the beneficial use of coal ash.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 6018.105(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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—
Paper, Film and Foil Surface Coating Processes;
Regulation No. 7-448 (#2807)*

On October 28, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121 and 129. The proposed regulation was published in the November 7, 2009 *Pennsylvania Bulletin* with a 67-day public comment period. The final-form regulation was submitted to the Commission on September 20, 2010.

This final-form regulation limits volatile organic compounds emissions from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4005(a)(1) and 4005(a)(8)) 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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Real Estate Commission—
Seller Property Disclosure Statement;
Regulation No. 16A-5618 (#2838)*

On April 21, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Real Estate Commission (Real Estate Commission). This rulemaking amends 49 Pa. Code Chapter 35. The proposed regulation was published in the May 1, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 10, 2010.

This regulation establishes a minimum seller's property disclosure statement, as required by law. It also tracks the duties imposed on licensees who represent sellers and buyers as well as transaction licensees.

We have determined this regulation is consistent with the statutory authority of the Real Estate Commission (68 Pa.C.S. § 7304 and 63 P. S. §§ 455.404 and 455.604(a)(15.1)) 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 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Bureau of Professional and Occupational Affairs—
Schedule of Civil Penalties—Veterinarians
and Veterinary Technicians;
Regulation No. 16A-51 (#2844)*

On April 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs. This rulemaking amends 49 Pa. Code § 43b.21a. The proposed regulation was published in the May 8, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 10, 2010.

This regulation establishes in regulation a schedule of civil penalties for violations relating to the practice of veterinary medicine and certified veterinary technicians.

We have determined this regulation is consistent with the statutory authority of the Bureau of Professional and Occupational Affairs (63 P. S. § 2205(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.

Second Disapproval Order

Public Meeting held
October 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Funeral Directors—
Continuing Education Enforcement;
Regulation No. 16A-4818 (#2760)*

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking amends 49 Pa. Code Chapter 13. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 25, 2010. At its August 5, 2010 public meeting, the Commission voted to disapprove the final-form regulation. On September 22, 2010, the Board resubmitted the final regulation without revision under

Section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)) along with its report to the Committees and the Commission.

This rulemaking is intended to clarify the consequences of failing to comply with the continuing education provisions in the Funeral Director Law (63 P. S. § 479.10(b)) and the Board's regulations (49 Pa. Code §§ 13.401—13.406). Both require a licensee to complete six hours of continuing education credits each biennium in order to qualify for license renewal. Under the amendments in this rulemaking, a licensee who has not completed the amount of continuing education credits may renew, subject to being issued a citation, paying a fine and making up the continuing education credits within six months.

We found on August 5, 2010, that the Board does not have the statutory authority to renew a license for an applicant who has not completed the statutorily mandated six hours of continuing education during the prior two-year license period. As explained below, this regulation does not meet the Regulatory Review Act criterion of statutory authority to promulgate the regulation. 71 P. S. § 745.5b.

In our comments issued July 1, 2009, on the proposed regulation, we stated:

... the Board should explain the status of a license between the end of a biennial period when a license would expire and the point in time a licensee provides satisfactory proof of attendance at continuing education courses.

The Board responded in the initial final regulation's Preamble:

Upon renewal of the license, the licensure status is the same as if the licensee had completed the entire continuing education requirement in a timely fashion. Only if the Board later takes disciplinary action, such as if the Board then suspends a license where the licensee still has not completed the required continuing education, would the licensure status change.

The Board's response indicated that the intent of the amended regulatory language, which would be 49 Pa. Code §§ 13.231(a) and 13.401(d), is to allow a renewal of a license when a licensee failed to attend the required six hours of mandatory continuing education during the license period.

Continuing education relating to license renewal is addressed in 63 P. S. § 479.10(b)(1) which states:

The Board shall adopt, promulgate and enforce rules and regulations *consistent with provisions of this act* establishing requirements of continuing education to be met by individuals licensed under this act *as a condition for renewal of their licenses*. . . . (Emphases added.)

The only exceptions to the continuing education mandate in the statute are for initial licensure and waivers for "serious illness, military service or other demonstrated hardship" on a case by case basis. When a licensee does not meet either of these conditions, the applicant, "as a condition of renewal of their license," is required to have attended "six (6) hours of mandatory continuing education during each two-year license period." 63 P. S. §§ 479.10(b)(1) to (4).

In its report to the Committees and the Commission supporting its unrevised regulation, the Board cites two provisions of the Funeral Director Law. Specifically, the Board states the following:

The Board respectfully suggests that IRRC has misconstrued section 10(b) of the Funeral Director Law. While section 10(b)(2) requires licensees to complete mandatory continuing education during each two-year license period, section 10(b)(2) does not make completion of mandatory continuing education a condition of license renewal. Nor does section 10(b)(1) of the Funeral Director Law make completion of mandatory continuing education a condition of renewal. Instead, section 10(b)(1) makes compliance with the mandatory continuing education regulations promulgated by the Board a condition for renewal, and those regulations must be consistent with the provisions of the Funeral Director Law.

The Board's interpretation would broaden its authority to write regulations regarding continuing education as a condition of license renewal by disregarding the bounds of the statutory phrase "consistent with provisions of this act." We note that the immediately following statutory provision, 63 P. S. § 479.10(b)(2), states that "licensees shall be required to attend six (6) hours of mandatory continuing education during each two-year period." Similarly, the Board raises its general rulemaking authority at 63 P. S. § 479.16(a), but again disregards its duty to write regulations "not inconsistent with this act."

While the Funeral Director Law grants the Board authority to write regulations regarding continuing education, we do not believe the Board's interpretation is correct in light of its statutory limits stated twice in the Funeral Director Law to write regulations "consistent with provisions in this act" and "not inconsistent with this act" found in 63 P. S. § 479.10(b)(1) and 63 P. S. § 479.16(a), respectively. Consequently, we have determined that the regulation remains inconsistent with the statutory authority of the Board (63 P. S. § 479.10(b)) and the intention of the General Assembly. Therefore, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

The regulation #16A-4814 (IRRC #2760) from the State Board of Funeral Directors—Continuing Education Enforcement was disapproved on October 21, 2010.

Second Disapproval Order

Public Meeting held
October 21, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of State—
Bureau of Professional and Occupational Affairs—
Schedule of Civil Penalties—Funeral Directors and
Funeral Establishments;
Regulation No. 16A-47 (#2761)*

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code § 43b.6. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 25, 2010. At its August 5, 2010 public meeting, the Commission voted to disapprove

the final-form regulation. On September 22, 2010 the Bureau resubmitted the final regulation without revision under Section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)) along with its report to the Committees and the Commission.

This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Board of Funeral Directors (Board). This regulation is the companion piece to Regulation #16A-4818 (IRRC #2760) from the Board entitled: "Continuing Education Enforcement."

At the August 5, 2010 public meeting, Counsel for the Department of State represented that he was authorized to request disapproval given that the companion Regulation #16A-4818 (IRRC #2760) had been disapproved at the same public meeting. Without support from the promulgating Bureau, this Commission determined that the regulation did not meet the reasonableness criterion set forth in the Regulatory Review Act and was not in the public interest.

At the October 21, 2010 public meeting, the Commission disapproved Regulation #16A-4818 (IRRC #2760) for the second time. Without approval of Regulation #16A-4818 and since the Bureau made no changes to Regulation #16A-47 upon resubmittal, the Commission affirms its original finding that this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest.

By Order of the Commission:

The regulation #16A-47 (IRRC #2761) from the Bureau of Professional & Occupational Affairs—Schedule of Civil Penalties—Funeral Directors and Funeral Establishments was disapproved on October 21, 2010.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-2121. Filed for public inspection November 5, 2010, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5718	State Board of Veterinary Medicine Dental Procedures 40 Pa.B. 4970 (August 28, 2010)	9/27/10	10/27/10
7-460	Environmental Quality Board Noncoal Mining Fees 40 Pa.B. 4963 (August 28, 2010)	9/27/10	10/27/10

**State Board of Veterinary Medicine
Regulation #16A-5718 (IRRC #2863)
Dental Procedures
October 27, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the August 28, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

1. Scope of Practice—Protection of the public health, safety and welfare.

This rulemaking would allow certified veterinary technicians, veterinary technician specialists and veterinary assistants (collectively referred to as licensees), under the direct supervision of a veterinarian, to perform specific dental procedures on companion animals. Commentators have questioned if the licensees are properly trained to perform some of the procedures. For example, the Pennsylvania Veterinary Medical Association (PVMA) has stated that veterinary technician specialists are not prop-

erly trained to perform "surgical extractions." They have also questioned if the performance of "dental charting" by certified veterinary technicians and veterinary assistants crosses into the realm of diagnosis. In addition, the Vet Tech Institute has questioned if veterinary assistants are properly trained to perform all of the listed procedures.

We understand that all of the enumerated procedures for all of the licensees must be performed under the direct supervision of a veterinarian. However, for the examples listed above, we ask the Board for a further explanation of why those procedures can be safely performed by the licensees. In addition, we ask the Board to explain if there are any other safeguards in place to ensure the safety of the companion animals on which the dental procedures are performed.

2. Companion animal—Clarity.

The title of § 31.31a includes the term "companion animal" and the term is referenced in other sections of the rulemaking. PVMA has questioned what is meant by this term. We agree that it is unclear and suggest that it be defined in the final-form rulemaking.

**Environmental Quality Board
Regulation #7-460 (IRRC #2864)**

Noncoal Mining Fees

October 27, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the August 28, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Direct and indirect costs to the Commonwealth, political subdivisions and the private sector.

Several commentators, including Representative Sandra Major, have stated that they are aware of the budgetary problems and hardships facing the Department of Environmental Protection. However, they believe that the fee schedule being imposed, and the \$2.5 million it is projected to generate, is an economic burden that Pennsylvania businesses cannot afford at this time. They are concerned that the fees could potentially force some of Pennsylvania's mine operators to close their businesses.

In the Regulatory Analysis Form submitted with the rulemaking, the Board has included the following statement: "The Department has made every effort to use the least burdensome alternative when developing the manner of assessing fees on the industry." We appreciate the Board's efforts in devising a fee schedule that is the least burdensome alternative to the regulated community. However, several commentators have made suggestions on how the Board's estimated annual cost of \$2.5 million to fund the nonmining coal program could be reduced. We ask the Board to consider implementing the suggestions of the commentators, thus reducing the economic impact this rulemaking will have on the regulated community.

2. Annual administration fee—Implementation procedures; Clarity.

The annual administration fee is defined under § 77.1, relating to definitions, as: "A nonrefundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility in order to administer the permit." Subsection § 77.106(f) lists eight different types of permits that would be subject to the annual administration fee. A commentator has stated that each mining facility could have several permits. Under this rulemaking, could a mining facility be subject to more than one annual administration fee, or is the fee only applicable to the facility? This should be clarified in the final-form rulemaking.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-2122. Filed for public inspection November 5, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; PPACA Reform Changes; Applicability—Individual Advantage Plans—for Existing Members; Rate Filing

On October 14, 2010, the Insurance Department (Department) received a filing from Aetna Health, Inc.,

requesting approval to adjust its Individual Advantage Plan rates for existing members enrolled in the plan to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010. The filing requests rate adjustments ranging from -0.90% to 10.1%.

This rate increase will affect approximately 23,000 subscribers and produce additional premium income of about \$1.86 million annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to January 19, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2123. Filed for public inspection November 5, 2010, 9:00 a.m.]

Capital Blue Cross and Capital Advantage Insurance Company; Special Care—Individual Direct Pay Basic Hospitalization/Medical-Surgical Program; Rate Filing

By filing 10-MMM Capital Blue Cross and by filing 10-5F Capital Advantage Insurance Company request approval of rates for their Special Care Hospital/Medical-Surgical Program. The overall requested rate increase is 4.0% to 9.0% depending on the Tier and Contract Type (an increase of 26.7% for the hospital component and a rate decrease of 19.1% for the medical-surgical portion). The proposed rate increase would affect approximately 2,695 contracts and would produce additional income of about \$303,500 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to January 20, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2124. Filed for public inspection November 5, 2010, 9:00 a.m.]

John Hancock Life Insurance Company (USA); Rate Increase Filing for Several Long-Term Care Policies

John Hancock is requesting an average increase of 30.6% on the following forms: LTC-PA-91, NH-PA-91, LTC-94 PA, LTC-94 PA 2/95, NH-94 PA and NH-94 PA 2/95.

John Hancock is requesting an average increase of 41.6% on the following forms: LTC-96 PA 9/96, LTC-96 PA 6/98, LTC-98FR PA 6/98, LTC-96CL PA 9/96, NH-99 PA 4/99, NH-99FR PA 4/99 and LTC2000 PA 4/00.

John Hancock is requesting an average increase of 71.1% on the following forms: LTC-02 PA, LTC-02FR PA, BSC-02 PA and BSC-02FR PA.

John Hancock is requesting an average increase of 21.5% on the following forms: LTC-03 PA, LTC-03FR PA, BSC-03 PA and BSC-03FR PA.

John Hancock is requesting an average increase of 14.4% on the following forms: LTC-03 PA (2007) and LTC-03FR PA (2007).

This increase will impact 21,234 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 20, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2125. Filed for public inspection November 5, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Change in Control

A-2010-2206180 and A-2010-2206182. Associated Network Partners, Inc. and Zone Telecom, Inc. Joint application of Associated Network Partners, Inc. and Zone Telecom, Inc. for approval of a change in 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 22, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: Associated Network Partners, Inc., Zone Telecom, Inc.

Through and By Counsel: Andrew Landry, Esquire, I. Richard Ploss, Esquire, Preti Flaherty Beliveau & Pachios, P. O. Box 9546, Portland, ME 04112

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2126. Filed for public inspection November 5, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 22, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2010-2202552. Mid Mon Valley Transit Authority (1300 McKean Avenue, Charleroi, Washington County, PA 15022)—persons, upon schedule, beginning on State Route 88 at the point where said route begins in the Township of Union, Washington County, at the point adjacent to the border with the Township of Carroll, Washington County, thence by means of said route to the City of Pittsburgh, Allegheny County, and return over the same route, with the right to render shuttle service and through service. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228-1925.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2010-2206537. Lyta Corporation (621 Robbins Avenue, Philadelphia, Philadelphia County, PA 19111), a corporation of the Commonwealth—to transport, by motor vehicle, persons, in limousine service, from points in the Counties of Bucks, Montgomery, Delaware and Chester, to

points in Pennsylvania, and return; excluding service under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, Esquire, Gallagher, Malloy & Georges, 1760 Market Street, Suite 1100, Philadelphia, PA 19103-4104.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2010-2206638. Educated Moving, LLC (113 West Broad Street, Hatfield, Montgomery County, PA 19440)—a limited liability company of the Commonwealth—household goods in use, from points in the Counties of Montgomery, Bucks and Lehigh, to points in Pennsylvania.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2010-2205693. Leona G. Paul (218 Oakridge Drive, Johnstown, Cambria County, PA 15904)—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2010-2205477. R&J Transportation, Inc. (326 Chestnut Street, Pottsville, Schuylkill County, PA 17901)—a corporation of the Commonwealth—in limousine service, between points in the County of Schuylkill, and from points in said county, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Blue & White USA, Inc.,
t/a Altoona USA & Transfer;
Doc. No. C-2010-2189008, A-00119928*

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 Blue & White USA, Inc., t/a Altoona USA & Transfer, respondent, maintains its principal place of business at 1024 Chestnut Avenue, Altoona, PA 16601.
2. That respondent was issued a certificate of public convenience by this Commission, for
3. Call or Demand service, on August 8, 2005, at Application Docket No. A-00119928.
4. That on June 25, 2010, a driver vehicle inspection was performed on respondent by Enforcement Officer Ernest R. Snyder of the Commission's Altoona District

Office, a duly authorized officer of this Commission. The information contained in this complaint was obtained during said inspection.

5. That respondent, on June 25, 2010, at approximately 2:20 p.m., at 1014—1024 Chestnut Avenue, Altoona, PA, presented a certain 2004 Ford taxi, bearing License No. TX45689, Vehicle Identification No. 2FAHP71W14X128531, driven by Ross J. Miller. During said inspection the following violations were discovered:

a. Driver's log sheet demonstrated two trips where a flat rate was charged in lieu

b. of the rates posted in the respondent's officially filed tariff. Each of the two trips resulted in an overcharge of approximately \$6.30.

c. Both rear tires exhibited less than 2/32" tread remaining in two adjacent tread groves.

6. That respondent, by charging a rate greater than that authorized by its tariff, violated 52 Pa. Code § 29.316(a) and 66 Pa.C.S. § 1303. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty is \$500.00 per violation for a total proposed penalty of \$1,000.

7. That respondent, by failing to have tires in safe operating condition installed, violated 52 Pa. Code § 29.402(1) and 67 Pa.C.S. § 175.65(a). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty for this violation is \$100.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby Requests that the Commission fine Blue & White USA, Inc., t/a Altoona USA & Transfer the sum of one-thousand, one-hundred dollars (\$1,100.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
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 an Order 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 an Order 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. 10-2127. Filed for public inspection November 5, 2010, 9:00 a.m.]

Transfer Control

A-2010-2206170. STi Prepaid, LLC and Vivaro Corporation. Joint application of STi Prepaid, LLC and Vivaro Corporation for authority to transfer control as a general rule transaction under 52 Pa. Code § 63.324 (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103).

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 22, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: STiPrepaid, LLC

Through and By Counsel: James Continenza, 26th Floor, Meryl Ravitz, 30th Floor, 1250 Broadway Street, New York, NY 10001

David L. Nace, Esquire, Lukas, Nace, Gutierrez and Sachs, LLP, 8300 Greensboro Drive, Suite 1200, McLean, VA 22102

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2128. Filed for public inspection November 5, 2010, 9:00 a.m.]

Transfer of Control

A-2010-2206673. TechInvest Holding Company, Inc., Cypress Communications Operating Company, LLC, and The Broadvox Holding Company, LLC. Joint application of TechInvest Holding Company, Inc., Cypress Communications Operating Company, LLC, and The Broadvox Holding Company, LLC, for approval of a transfer of control of an authorized telecommunications provider.

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 22, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Cypress Communications Operating Company, LLC

Through and By Counsel: Joan M. Griffin, Esquire, Melissa S. Conway, Esquire, Kelley Drye and Warren, LLP, 3050 K Street, Northwest, Suite 400, Washington, DC 20007

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2129. Filed for public inspection November 5, 2010, 9:00 a.m.]

STATE BOARD OF EDUCATION

Application of the Chester Upland School District to be a Member of the Local Sponsor of the Delaware County Community College

The Chester Upland School District (CUSD) has filed with the State Board of Education (State Board) an application to become a member of the Local Sponsor of the Delaware County Community College. In its application, CUSD seeks the approval of the State Board under section 1902-A(c) of the Public School Code of 1949 (24 P.S. § 19-1902-A(c)). The Board of Directors of the Delaware County Community College and the 11 current

local sponsors of the Delaware County Community College have endorsed CUSD's application. A copy of the application may be viewed at the offices of the State Board located at 333 Market Street, 1st Floor, Harrisburg, PA.

The State Board anticipates considering the application at its meetings scheduled to be held on November 17 and 18, 2010. The meetings of the State Board will be conducted in the Honors Suite at 333 Market Street in Harrisburg. The meeting of the State Board's standing committee on college access and affordability will be held on November 17 at 8:30 a.m. with the Council of Higher Education to follow at 10 a.m. The State Board anticipates taking final action on the application at its meeting on November 18 at 8:30 a.m.

Members of the public are invited to attend these meetings and opportunities for comment by members of the public will be afforded at each meeting before action is taken on the application. Members of the public also may comment in writing through the offices of the State Board of Education, 333 Market Street, 1st Floor, Harrisburg, PA.

ADAM A. SCHOTT,
Executive Director

[Pa.B. Doc. No. 10-2130. Filed for public inspection November 5, 2010, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during September 1, 2010, through September 30, 2010.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net; or mail inquiries to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period specified previously:

Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Hazleton Creek Properties, LLC; Hazleton Creek Properties, LLC—Mine Reclamation Site, ABR-201009108, Hazleton City, Luzerne County, PA; Consumptive Use of up to 0.055 mgd; Approval Date: September 10, 2010.

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC, Pad ID: Vera, ABR-201009001, Fox Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 3, 2010.

2. Chief Oil & Gas, LLC, Pad ID: Allen Drilling Pad No. 1, ABR-201009002, Asylum Township, Bradford

County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 3, 2010.

3. Anadarko E&P Company, LP, Pad ID: Plants Evergreen Farm Pad A, ABR-201009003, Cascade Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 3, 2010.

4. EOG Resources, Inc., Pad ID: OBERKAMPER Pad, ABR-201009004, Springfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 3, 2010.

5. EOG Resources, Inc., Pad ID: ROBBINS Pad, ABR-201009005, Springfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 3, 2010.

6. Pennsylvania General Energy Co., LLC, Pad ID: Shannon Todd Pad A, ABR-201009006, Todd Township, Huntingdon County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 3, 2010.

7. Chesapeake Appalachia, LLC, Pad ID: Alberta, ABR-201009007, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 3, 2010.

8. EOG Resources, Inc., Pad ID: MULLALY Pad, ABR-201009008, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 3, 2010.

9. Chesapeake Appalachia, LLC, Pad ID: SGL 289B, ABR-201009009, West Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 3, 2010.

10. Cabot Oil & Gas Corporation, Pad ID: King P1, ABR-201009010, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 3, 2010.

11. Chesapeake Appalachia, LLC, Pad ID: Stoudt, ABR-201009011, Overton Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 3, 2010.

12. EOG Resources, Inc., Pad ID: GHC Pad A, ABR-201009012, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 3, 2010.

13. Anadarko E&P Company, LP, Pad ID: COP Tract 685 Pad C, ABR-201009013, Cummings Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 3, 2010, including a partial waiver of 18 CFR 806.15.

14. Talisman Energy USA, Inc., Pad ID: 03 003 Vanblarcom, ABR-201009014, Columbia Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 3, 2010.

15. EXCO Resources (PA), LLC, Pad ID: Litke 1H, 2H, ABR-20090425.1, Burnside Township, Centre County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 4, 2010, including a partial waiver of 18 CFR 806.15.

16. EXCO Resources (PA), LLC, Pad ID: Litke (7H and 8H), ABR-20090426.1, Burnside Township, Centre County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 4, 2010, including a partial waiver of 18 CFR 806.15.

17. Talisman Energy USA, Inc., Pad ID: 05 035 Antisdel, ABR-201009015, Warren and Windham Townships, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 7, 2010.
18. Talisman Energy USA, Inc., Pad ID: 05 036 Antisdel, ABR-201009016, Warren Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 7, 2010.
19. Talisman Energy USA, Inc., Pad ID: 03 011 Eick, ABR-201009017, Columbia Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 7, 2010.
20. Talisman Energy USA, Inc., Pad ID: 03 028 Jennings, ABR-201009018, Wells Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 7, 2010.
21. Talisman Energy USA, Inc., Pad ID: 03 073 Ritz, ABR-201009019, Columbia Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 7, 2010.
22. Ultra Resources, Inc., Pad ID: State 811, ABR-201009020, Elk Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 7, 2010, including a partial waiver of 18 CFR 806.15.
23. Ultra Resources, Inc., Pad ID: State 844, ABR-201009021, Elk Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 7, 2010, including a partial waiver of 18 CFR 806.15.
24. EOG Resources, Inc., Pad ID: COP Pad J, ABR-201009022, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 8, 2010.
25. EOG Resources, Inc., Pad ID: PHC Pad S, ABR-201009023, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 8, 2010.
26. Talisman Energy USA, Inc., Pad ID: 03 071 Wolf, ABR-201009024, Wells Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 8, 2010.
27. Talisman Energy USA, Inc., Pad ID: 03 070 Wolf, ABR-201009025, Wells Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 8, 2010.
28. East Resources Management, LLC, Pad ID: Wood 496, ABR-201009026, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 7, 2010.
29. East Resources Management, LLC, Pad ID: Fish 826, ABR-201009027, Middlebury Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2010.
30. XTO Energy Incorporated, Pad ID: Houseweart 8527H, ABR-201009028, Pine Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2010.
31. East Resources Management, LLC, Pad ID: Guindon 706, ABR-201009029, Union Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2010.
32. EOG Resources, Inc., Pad ID: SGL 94 Pad A, ABR-201009030, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 8, 2010.
33. Chesapeake Appalachia, LLC, Pad ID: Williams, ABR-201009031, Ulster Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 9, 2010.
34. Talisman Energy USA, Inc., Pad ID: 05 010 Willard S, ABR-201009032, Orwell Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 9, 2010.
35. Talisman Energy USA, Inc., Pad ID: 05 023 Edsell, ABR-201009033, Pike Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 9, 2010.
36. Talisman Energy USA, Inc., Pad ID: 05 024 Edsell, ABR-201009034, Pike Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 9, 2010.
37. Talisman Energy USA, Inc., Pad ID: 05 069 Carrrington, ABR-201009035, Orwell Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 9, 2010.
38. Chesapeake Appalachia, LLC, Pad ID: Troise, ABR-201009036, Sheshequin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 9, 2010.
39. Chesapeake Appalachia, LLC, Pad ID: Decker Farms, ABR-201009037, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 9, 2010.
40. EOG Resources, Inc., Pad ID: COP Pad P, ABR-201009038, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 9, 2010.
41. EOG Resources, Inc., Pad ID: PHC Pad T, ABR-201009039, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 9, 2010.
42. Anadarko E&P Company, LP, Pad ID: WW Litke Pad B, ABR-201009040, Curtin Township, Centre County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 9, 2010, including a partial waiver of 18 CFR 806.15.
43. Chesapeake Appalachia, LLC, Pad ID: Keeler Hollow, ABR-201009041, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 10, 2010.
44. East Resources Management, LLC, Pad ID: Kalke 819, ABR-201009042, Chatham Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.
45. Anadarko E&P Company, LP, Pad ID: COP Tract 290 Pad A, ABR-201009043, McHenry Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 10, 2010, including a partial waiver of 18 CFR 806.15.
46. Novus Operating, LLC, Pad ID: Sparrow Hawk, ABR-201009044, Covington Township, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 10, 2010.
47. East Resources Management, LLC, Pad ID: Hotchkiss 472, ABR-201009045, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.

48. Anadarko E&P Company, LP, Pad ID: Douglas C. Kinley Pad A, ABR-201009046, Lycoming Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 10, 2010.

49. Cabot Oil & Gas Corporation, Pad ID: Cosner P1R, ABR-201009047, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 10, 2010.

50. Anadarko E&P Company, LP, Pad ID: COP Tract 289 Pad E, ABR-201009048, McHenry Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 10, 2010, including a partial waiver of 18 CFR 806.15.

51. East Resources Management, LLC, Pad ID: Lingle 1102, ABR-201009049, Deerfield Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.

52. East Resources Management, LLC, Pad ID: Erickson 448, ABR-201009050, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.

53. East Resources Management, LLC, Pad ID: Williams 889, ABR-201009051, Deerfield Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.

54. Cabot Oil & Gas Corporation, Pad ID: FraserE P1, ABR-201009052, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 10, 2010.

55. EOG Resources, Inc., Pad ID: JACKSON 1H Pad, ABR-201009053, Springfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 10, 2010.

56. East Resources Management, LLC, Pad ID: Klettinger 294, ABR-201009054, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 10, 2010.

57. EOG Resources, Inc., Pad ID: SSHC Pad A, ABR-201009055, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 13, 2010.

58. Ultra Resources, Inc., Pad ID: Bergey 812, ABR-201009056, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 13, 2010.

59. Anadarko E&P Company, LP, Pad ID: COP Tract 731 Pad A, ABR-201009057, Cummings Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 13, 2010, including a partial waiver of 18 CFR 806.15.

60. East Resources Management, LLC, Pad ID: Owlett 843, ABR-201009058, Middlebury Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 13, 2010.

61. East Resources Management, LLC, Pad ID: Byrnes 510, ABR-201009059, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 13, 2010.

62. EOG Resources, Inc., Pad ID: HALSTEAD Pad, ABR-201009060, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 14, 2010.

63. Chesapeake Appalachia, LLC, Pad ID: Driscoll, ABR-201009061, Overton Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 14, 2010.

64. XTO Energy Incorporated, Pad ID: FOX 8501H, ABR-201009062, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 14, 2010.

65. East Resources Management, LLC, Pad ID: Seymour 599, ABR-201009063, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 15, 2010.

66. East Resources Management, LLC, Pad ID: Schmelzle 703, ABR-201009064, Union Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 15, 2010.

67. East Resources Management, LLC, Pad ID: Spencer 729, ABR-201009065, Liberty Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 15, 2010.

68. Chesapeake Appalachia, LLC, Pad ID: Delhagen, ABR-201009066, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 15, 2010.

69. Chesapeake Appalachia, LLC, Pad ID: Burleigh, ABR-201009067, Wyalusing Borough, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 15, 2010.

70. Chief Oil & Gas, LLC, Pad ID: Quava Drilling Pad No. 1, ABR-201009068, Davidson Township, Sullivan County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 15, 2010.

71. Chesapeake Appalachia, LLC, Pad ID: Bennett NMPY-38, ABR-201009069, Tuscarora Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 16, 2010.

72. Chief Oil & Gas, LLC, Pad ID: Hemlock Hunting Club Drilling Pad No. 1, ABR-201009070, Elkland Township, Sullivan County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 16, 2010.

73. Chief Oil & Gas, LLC, Pad ID: Wistar-Shaffer Tracts Drilling Pad No. 1, ABR-201009071, Shrewsbury Township, Sullivan County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 16, 2010.

74. Chesapeake Appalachia, LLC, Pad ID: Wygrala, ABR-201009072, Wysox Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

75. Chesapeake Appalachia, LLC, Pad ID: Matt, ABR-201009073, Elkland Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

76. XTO Energy Incorporated, Pad ID: Lucella 8564H, ABR-201009074, Moreland Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 20, 2010.

77. Talisman Energy USA, Inc., Pad ID: 01 080 Ferguson, ABR-201009075, Granville Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 20, 2010.

78. Chesapeake Appalachia, LLC, Pad ID: Boyanowski, ABR-201009076, Meshoppen Township and Braintrim Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

79. Chesapeake Appalachia, LLC, Pad ID: Rain, ABR-201009077, Elkland Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

80. Talisman Energy USA, Inc., Pad ID: 05 092 Upham, ABR-201009078, Pike Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 20, 2010.

81. Talisman Energy USA, Inc., Pad ID: 05 074 Zimmerli, ABR-201009079, Orwell Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: September 20, 2010.

82. East Resources Management, LLC, Pad ID: Ingalls 710, ABR-201009080, Liberty Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 20, 2010.

83. East Resources Management, LLC, Pad ID: Talley 488, ABR-201009081, Covington Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 20, 2010.

84. Chesapeake Appalachia, LLC, Pad ID: Governale, ABR-201009082, Wysox Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

85. Anadarko E&P Company, LP, Pad ID: Gayla D. Loch Pad A, ABR-201009083, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 20, 2010.

86. Chesapeake Appalachia, LLC, Pad ID: Connell, ABR-201009084, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 20, 2010.

87. Southwestern Energy Production Company, Pad ID: Strong Pad, ABR-201009085, Herrick Township, Bradford County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 20, 2010.

88. Southwestern Energy Production Company, Pad ID: Ross Pad, ABR-201009086, Herrick Township, Bradford County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 20, 2010.

89. Chief Oil & Gas, LLC, Pad ID: Lightner East Drilling Pad No. 1, ABR-201009087, Juniata Township, Blair County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 21, 2010.

90. East Resources Management, LLC, Pad ID: Smith 589, ABR-201009088, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 22, 2010.

91. East Resources Management, LLC, Pad ID: Martin 421, ABR-201009089, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 22, 2010.

92. East Resources Management, LLC, Pad ID: Schimmel 830, ABR-201009090, Farmington Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 22, 2010.

93. East Resources Management, LLC, Pad ID: Lopatofsky 287, ABR-201009091, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 22, 2010.

94. East Resources Management, LLC, Pad ID: Worden 571, ABR-201009092, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 22, 2010.

95. Chesapeake Appalachia, LLC, Pad ID: Foster, ABR-201009093, Wysox Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 23, 2010.

96. Enerplus Resources (USA) Corporation, Pad ID: Winner 4H, ABR-201009094, West Keating Township, Clinton County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 23, 2010.

97. East Resources Management, LLC, Pad ID: Empson 899, ABR-201009095, Deerfield Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 23, 2010.

98. East Resources Management, LLC, Pad ID: Burke 285, ABR-201009096, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 23, 2010.

99. East Resources Management, LLC, Pad ID: Patterson 570, ABR-201009097, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 24, 2010.

100. Williams Production Appalachia, LLC, Pad ID: Depue Well No. 2H, ABR-201009098, Franklin Township, Susquehanna County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 27, 2010.

101. Anadarko E&P Company, LP, Pad ID: Lycoming H&FC Pad B, ABR-201009099, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 27, 2010.

102. Chesapeake Appalachia, LLC, Pad ID: Curtis New, ABR-201009100, Asylum Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 27, 2010.

103. East Resources Management, LLC, Pad ID: Sherman 498, ABR-201009101, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 27, 2010.

104. Chesapeake Appalachia, LLC, Pad ID: Hope, ABR-201009102, Meshoppen Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 28, 2010.

105. Chesapeake Appalachia, LLC, Pad ID: Kohler, ABR-201009103, Liberty Township, Tioga County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 28, 2010.

106. Chesapeake Appalachia, LLC, Pad ID: Jaishawoo, ABR-201009104, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 29, 2010.

107. Chesapeake Appalachia, LLC, Pad ID: Pinehollow, ABR-201009105, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 29, 2010.

108. EOG Resources, Inc., Pad ID: DEMEO 1H Pad, ABR-201009106, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: September 30, 2010.

109. Anadarko E&P Company, LP, Pad ID: Kenneth T. Schriener Pad A, ABR-201009107, Gamble Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 30, 2010.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 22, 2010.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 10-2131. Filed for public inspection November 5, 2010, 9:00 a.m.]
