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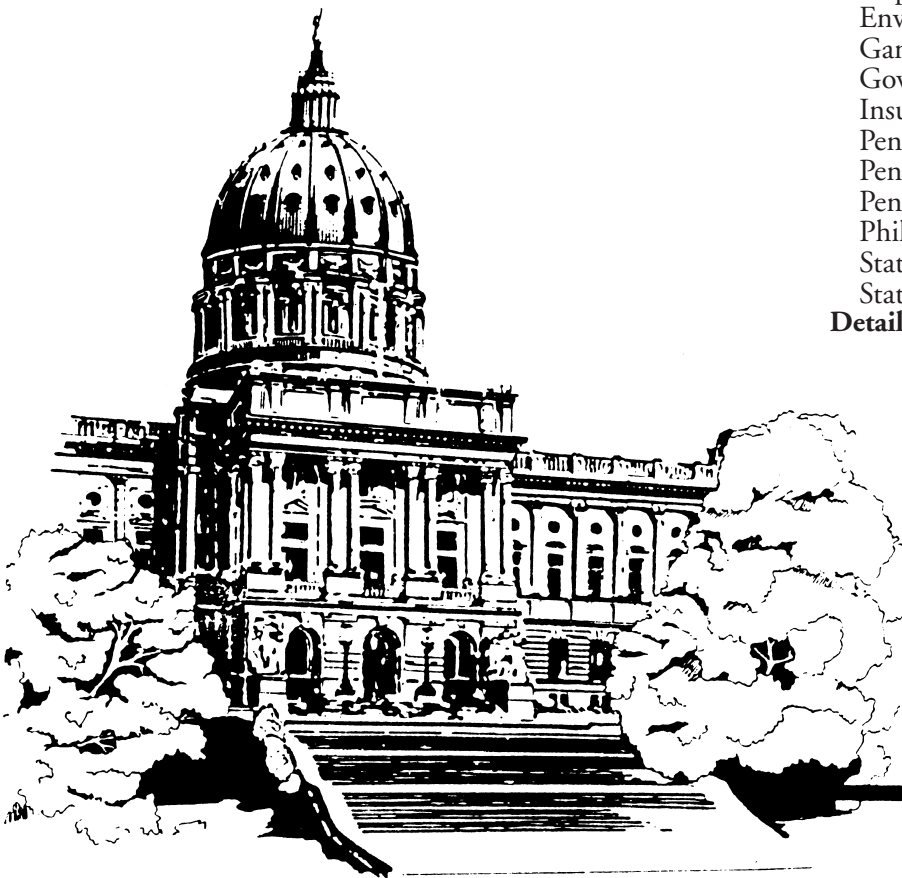
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# PENNSYLVANIA BULLETIN

Volume 40  
Saturday, November 13, 2010 • Harrisburg, PA  
Number 46  
Pages 6501—6626

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

**No. 432, November 2010**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# 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.

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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, 6515, 6516

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 AND 3 ]

#### Proposed Amendments to Rules of Appellate Procedure 102 and 311

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 102 and 311. The Committee submits the proposed amendments to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bolded, while deleted material is bracketed and bolded.

All communications in reference to the proposed amendment should be sent no later than December 31, 2010 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635

or Fax to (717) 231-9551  
or E-Mail to [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

An Explanatory Comment follows the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

MAUREEN LALLY-GREEN,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### IN GENERAL

#### Rule 102. Definitions.

\* \* \* \* \*

*Children's fast track appeal*—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody [or], paternity or the grant or denial of a transfer of a juvenile from a juvenile proceeding to a criminal proceeding or from a criminal proceeding to a juvenile proceeding. See 42 Pa.C.S. §§ 6301 et seq.; 23 Pa.C.S. §§ 2511 et seq.; 23 Pa.C.S. §§ 2101 et seq.; 23 Pa.C.S. §§ 5301 et seq.; 23 Pa.C.S. §§ 5102 et seq.; **42 Pa.C.S. §§ 6322 and 6355; Pa.R.A.P. 311(a)(10).**

\* \* \* \* \*

### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### INTERLOCUTORY APPEALS

#### Rule 311. Interlocutory Appeals as of Right.

(a) *General rule.* An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

\* \* \* \* \*

**(10) Adverse order on motion for transfer to or from a juvenile proceeding. An order under 42 Pa.C.S. § 6322 granting or denying a juvenile's motion to transfer from a criminal proceeding to a juvenile proceeding or an order under 42 Pa.C.S. § 6355 granting or denying the Commonwealth's motion to transfer from a juvenile proceeding to a criminal proceeding. An appeal under this paragraph shall be classified as a children's fast track appeal.**

\* \* \* \* \*

(g) *Waiver of objections.*

(1) Where an interlocutory order is immediately appealable under this rule, failure to appeal:

\* \* \* \* \*

(iii) Under Subdivisions (a)(8), **(a)(10)** or (e) of this rule shall constitute a waiver of all objections to such orders and any objection may not be raised on any subsequent appeal in the matter from a determination on the merits.

\* \* \* \* \*

#### Explanatory Comment

The proposed Recommendation was prompted in part by the Interbranch Commission's on Juvenile Justice. It provides a uniform mechanism for appellate review of a transfer of a case to a criminal proceeding or the denial of a request to do so as well as appellate review of a transfer of a case from criminal proceedings or the denial of a request to do so. See Interbranch Commission' Report at p. 55. The proposed Recommendation would also expedite appeals from such orders by including those appeals in the children's fast track program.

Including appeals from transfer orders in children's fast track had been under consideration prior to the Interbranch Commission's Report. The Committee has determined that a full appeal expedited under children's fast track is the best vehicle to balance the need to quickly reach finality against the need to assure that the method of appellate review is meaningful. Accordingly, the Committee has chosen not to recommend a limited appellate procedure that would result in disposition within 90 days of the appeal.

The proposed amendment to Rule 311 would add a new paragraph 10 to subdivision (a), granting juveniles a new right to an immediate appeal from an adverse transfer order while continuing to permit the Commonwealth to take an immediate appeal from an adverse transfer order,

both from an order transferring from a criminal proceeding to a juvenile proceeding, see *Commonwealth v. Johnson*, 542 Pa. 568, 669 A.2d 315 (1995), or refusing to transfer from a juvenile proceeding to a criminal proceeding, see *In re McCord*, 445 Pa. Super. 137, 664 A.2d 1046 (1995). The Commonwealth has heretofore been able to appeal both under subdivision (d) of Rule 311, but only when the Commonwealth certifies that the order will terminate or substantially handicap the prosecution. No certification is required under new paragraph (a)(10).

New paragraph (a)(10) also grants juveniles a right to an immediate appeal from an order denying transfer from a criminal to a juvenile proceeding and from an order granting transfer from a juvenile to a criminal proceeding. Prior to the 2010 amendment, such orders were interlocutory and were not immediately appealable as of right.

Appeals under new paragraph (a)(10) shall be children's fast track appeals. See Rule 102 and other specific rules related to children's fast track appeals. The children's fast track program, which has previously included any appeal from an order involving dependency, termination of parental rights, adoptions, custody or paternity has been successful in providing a speedy mechanism for determining the rights of children while preserving meaningful appellate review.

The Committee is continuing to review other Interbranch Commission recommendations in cooperation with the Juvenile Court Procedural Rules Committee. For the reasons noted above, the Committee has elected to proceed with this recommendation at this time.

[Pa.B. Doc. No. 10-2132. Filed for public inspection November 12, 2010, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1915 ]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 104

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 11, 2011 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

By the Domestic Relations  
Procedural Rules Committee

CAROL A. BEHERS, Esq.,  
Chair

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

##### Rule 1915.11-1. Parenting Coordinators.

(a) *Appointment of a Parenting Coordinator.* At any time after a custody order has been entered following a hearing or by consent of the parties, a judge may, in cases involving repeated or intractable conflict between the parties affecting implementation of the custody order, appoint a parenting coordinator to resolve parenting issues. The appointment may be made on the motion of either party or on the court's own motion. No parenting coordinator shall be appointed in cases in which a protection from abuse order is in effect.

##### (b) *Qualifications of the Parenting Coordinator.*

(1) The parenting coordinator shall be a licensed attorney who has practiced family law for at least the last five years.

(2) To be appointed as a parenting coordinator, the attorney also must have the following qualifications:

(i) A minimum of 20 hours training in the parenting coordination process.

(ii) A minimum of 40 hours of family mediation training.

(iii) A minimum of four hours of training in the dynamics of domestic violence.

(3) To maintain eligibility to serve as a parenting coordinator, the parenting coordinator shall complete a minimum of 10 continuing education credits in any topic related to parenting coordination in each two-year period after initial appointment.

(4) The court may maintain a roster of individuals who meet the qualifications set forth in this rule and may establish grievance procedures if it deems them appropriate.

##### (c) *Appointment Order.*

(1) The parenting coordinator's authority shall be set forth in the order appointing the parenting coordinator, which shall be substantially in the form set forth at Rule 1915.20.

(2) A parenting coordinator should not be appointed in every case. Only a judge may appoint a parenting coordinator. No parenting coordinator shall be appointed prior to the entry of a custody order entered after hearing or by consent of the parties.

(3) At the expiration of an order appointing a parenting coordinator, either party may file a motion for renewal of the parenting coordinator order or the court may do so on the court's own motion.

(d) *Role of the Parenting Coordinator.*

(1) The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties.

(2) If the parties are unable to resolve an issue, the parenting coordinator is authorized to decide the issue.

(e) *Authority of the Parenting Coordinator.* The parenting coordinator shall have the authority to decide issues ancillary to the final custody order. The following specific issues are excluded from the parenting coordinator's decision-making authority:

(1) A change in legal custody.

(2) A change in primary physical custody.

(3) A change in the court-ordered custody schedule that substantially reduces or expands a child's time with one or both parties.

(4) A change in the geographic residence of the child.

(5) Major decisions regarding the health, education, religion or welfare of the child.

The parties may mutually agree in writing to submit any of the excluded issues set forth above to the parenting coordinator for facilitation and recommendation, but any recommendation shall become binding only upon the written agreement of the parties.

(f) *Communications. No Testimony.*

(1) The parties and their attorneys shall have the right to receive, but not to initiate, oral ex-parte communications from the parenting coordinator, but the parenting coordinator promptly shall advise the other party or the other party's attorney of the communication. Any party or any party's attorney may communicate in writing with the parenting coordinator, but he or she must contemporaneously send a copy of the written communication to the other party or the other party's attorney. Any documents, recordings or other material that one party gives to the parenting coordinator must promptly be made available to the other party or the other party's attorney for inspection and copying. Communications between the parties and/or their attorneys and the parenting coordinator are not confidential.

(2) The parenting coordinator may initiate written communication with the appointing judge in the event that a party fails to comply with any provision of the appointment order and he or she must contemporaneously send a copy of the written communication to both parties or their attorneys.

(3) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall obtain leave of court.

(4) Absent an emergency affecting the child's health or welfare, any communication from the parenting coordinator to the court shall be in writing and the parenting coordinator shall contemporaneously send copies to the attorneys for both parties, or to any unrepresented party. If the parenting coordinator has communicated orally with the court on an emergency basis, the parenting coordinator promptly shall communicate in writing to the attorneys for both parties, or to any unrepresented party, the substance of the oral communication.

(5) Neither party can compel the testimony of a parenting coordinator without an order of court.

(g) *Decisions. De Novo Review.*

(1) The parenting coordinator's decisions may be communicated to the parties orally, but shall be provided in writing and filed of record at the parties' custody docket not later than 10 days after the decision is rendered.

(2) Decisions made by the parenting coordinator shall be binding upon the parties pending further order of court.

(3) A party seeking judicial review of the parenting coordinator's decision shall file a petition for a de novo hearing before the court within 20 days of the mailing of the parenting coordinator's written decision. The petition must specifically state the issues to be reviewed and a copy of the decision must be attached. The petition must be served upon the other party, or the other party's attorney if represented, and the parenting coordinator, in accordance with Pa.R.C.P. 440. If neither party seeks judicial review within the 20-day period, the parenting coordinator's decision shall be final and non-appealable.

(4) The court shall hear the matter on the record as soon as practicable and review shall be de novo. The court shall render a decision within the time set forth in Rule 1915.4(d).

(h) *Fees.* In considering whether to appoint a parenting coordinator, the court shall consider the financial circumstances of the parties.

(1) The costs of the parenting coordinator shall be allocated between the parties by the appointing judge. The parenting coordinator may reallocate the costs if one party has caused a disproportionate need for the services of the parenting coordinator, subject to de novo review by the court.

(2) In order to limit the financial burden on the parties, a parenting coordinator should meet and consult with the parties only upon the request of either party to try to resolve an issue about which the parties disagree.

**Explanatory Comment—2011**

Following the entry of a final custody order, the parties in some cases experience repeated or intractable conflict. These cases involve repetitive filings and litigation that detrimentally affect the children and disproportionately consume limited judicial resources.

Parenting coordination can be an effective tool to prevent escalation of conflict between the parties. The parenting coordinator's role is to attempt to achieve an agreed resolution of disputes between the parties. Failing that, the parenting coordinator is authorized to make decisions regarding issues ancillary to a custody order, subject to de novo review by the court.

Parenting coordinators should not be appointed in every case. Appointment is appropriate only in cases in which the court finds that there is high conflict between the parties. Only a judge may appoint parenting coordinators. Hearing officers, masters, conciliators or other pre-trial professionals shall not make the appointment. No parenting coordinator should be appointed prior to the entry of a custody order entered after hearing or by consent of the parties.

Parenting coordinators are not authorized to make major decisions. For example, a parenting coordinator should not decide if a child should change schools, but may decide if the child should participate in an after-school activity.

The rule does not anticipate that the parties will have regular meetings or other interaction with the parenting coordinator when there are no issues of conflict between the parties. The parenting coordinator should not assume the role of a therapist, attorney or advocate. The parenting coordinator is a resource for the parties to call upon only when they are unable to agree on an issue related to a custody order.

**Rule 1915.20. Form of Order Appointing Parenting Coordinator.**

The order appointing a parenting coordinator pursuant to Rule 1915.11-1 shall be in substantially the following form:

(Caption)

ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, it is hereby ordered as follows:

1. APPOINTMENT AND TERM:

Pursuant to Pa.R.C.P. 1915.11-1, \_\_\_\_\_ is appointed as the parties' parenting coordinator for a term of [ ] months, or until further order of court.

Legal counsel for \_\_\_\_\_, or either party, if unrepresented, shall provide copies of all orders, pleadings and custody evaluations in this case to the parenting coordinator within ten (10) days of the date of this order.

2. ROLE OF THE PARENTING COORDINATOR:

(a) The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties.

(b) If the parties are unable to resolve an issue, the parenting coordinator is authorized to decide the issue.

(c) The parenting coordinator shall not function as the attorney or advocate, counselor or psychotherapist for the parties or the parties' children or family. However, the parenting coordinator is permitted and encouraged to facilitate communication and agreement between the parties when conflicts arise and shall always act in a manner conducive to the best interests of the child.

3. PARENTING COORDINATOR'S AUTHORITY:

The parenting coordinator, in order to implement the custodial arrangement set forth in the custody order and resolve related parenting issues about which the parties cannot agree, is authorized to make decisions about issues that may include, but are not limited to, the following:

(a) Dates, times, places and conditions for transitions between households;

(b) Temporary variation from the schedule for a special event or particular circumstance;

(c) School issues, apart from school selection;

(d) A child's participation in recreation, enrichment, and extracurricular activities, programs and travel;

(e) Child-care arrangements;

(f) Clothing, equipment, toys and personal possessions of the child;

(g) Information exchanges (school, health, social, etc.) and communication with or about the child;

(h) Coordination of existing or court-ordered services for a child (e.g. psychological testing, alcohol or drug monitoring / testing, psychotherapy, anger management, etc.);

(i) Other related custody issues that the parties mutually agree, in writing, to submit to their parenting coordinator.

4. EXCLUSIONS FROM PARENTING COORDINATOR'S AUTHORITY:

(a) The following specific issues are excluded from the parenting coordinator's role and decision-making authority, except as provided in subparagraph 4(B):

(1) A change in legal custody decision-making authority set forth in the custody order;

(2) A change in primary physical custody set forth in the custody order;

(3) A change in the court-ordered custody schedule that reduces or expands any child's time with one or both parties;

(4) A change in the residence of any child (relocation) that would render implementation of the current custody order impossible or impracticable;

(5) Determination of financial issues, other than allocation of the parenting coordinator's fees as set forth in Pa.R.C.P 1915.11-1(h)(1);

(6) Other:

(b) The parties may mutually agree in writing, to submit any of the excluded issues set forth above to the parenting coordinator for facilitation and recommendation, but not decision, which recommendation shall become binding only upon the written agreement of the parties.

5. COMMUNICATIONS:

(a) The parenting coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall or may attend the sessions (including the children), and whether the sessions will be conducted in person or by other means. Where domestic violence or abuse, as defined under 23 Pa.C.S. § 6102, is alleged, the protocols should include measures addressing the safety of all participants, unless the court deems the measures unnecessary.

(b) No communications between the parties or their lawyers and the parenting coordinator are confidential.

(c) The parties and their attorneys shall have the right to receive, but not to initiate, oral ex-parte communications from the parenting coordinator, but the parenting coordinator promptly shall advise the other party or the other party's attorney of the communication. Any party or any party's attorney may communicate in writing with the parenting coordinator, but he or she must contemporaneously send a copy of the written communication to the other party or the other party's attorney. Any documents, recordings or other material that one party gives to the parenting coordinator must promptly be made available to the other party or the other party's attorney for inspection and copying.

(d) The parenting coordinator may initiate written communication with the appointing judge in the event that a party fails to comply with any provision of the

appointment order and he or she must contemporaneously send a copy of the written communication to both parties or their attorneys.

(e) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall obtain leave of court.

(f) Absent an emergency affecting the child's health or welfare, any communication from the parenting coordinator to the court shall be in writing and the parenting coordinator shall contemporaneously send copies to the attorneys for both parties, or to any unrepresented party. If the parenting coordinator has communicated orally with the court on an emergency basis, the parenting coordinator promptly shall communicate in writing to the attorneys for both parties, or to any unrepresented party, the substance of the oral communication.

(g) Neither party can compel the testimony of a parenting coordinator without an order of court.

#### 6. SOURCES OF INFORMATION:

The parenting coordinator is authorized to contact any professional or other individual as the parenting coordinator deems necessary (e.g. the children, therapists, physicians, childcare providers, teachers, family members, etc.) to resolve any issue about which the parties are unable to agree.

#### 7. PARENTING COORDINATION DECISION-MAKING PROCESS:

(a) Prior to the parenting coordinator making a decision, the parenting coordinator shall provide notice and an opportunity for each of the parties to be heard, unless exigent circumstances render contact with both parties impracticable or potentially dangerous to a party and/or any child. In the event that a party is given advance written notice of a scheduled meeting between the parties and the parenting coordinator, but that party does not attend, the parenting coordinator may make a decision despite that party's absence.

(b) The parenting coordinator's decisions may be communicated to the parties orally, but shall be provided in writing and filed of record at the parties' custody docket not later than 10 days after the decision is rendered.

(c) Decisions made by the parenting coordinator shall be binding upon the parties pending further order of court.

#### 8. JUDICIAL REVIEW:

(a) A party seeking judicial review of the parenting coordinator's decision shall file a petition for a de novo hearing before the court within 20 days of the mailing of the parenting coordinator's written decision. The petition must specifically state the issues to be reviewed and a copy of the decision must be attached. The petition must be served upon the other party, or the other party's attorney if represented, and the parenting coordinator, in accordance with Pa.R.C.P. 440. If neither party seeks judicial review within the 20-day period, the parenting coordinator's decision shall be final and non-appealable.

(b) The court shall hear the matter on the record as soon as practicable and review shall be de novo. The court shall render a decision within the time set forth in Rule 1915.4(d).

#### 9. SUBSEQUENT COURT PROCEEDINGS:

Prior to filing any new motion, petition or complaint with the court involving matters within the scope of the parenting coordinator's authority, the parties shall participate in a minimum of one session with the parenting coordinator to attempt resolution of the disputed issue

and, if the parties are unable to agree, to permit the parenting coordinator to make a decision.

#### 10. CHILD ABUSE REPORTING:

The parenting coordinator is a person required to report suspected child abuse pursuant to 23 Pa.C.S. § 6311.

#### 11. ALLOCATION OF FEES:

The parties will share the obligation to pay the fees of the parenting coordinator as follows: \_\_\_% Mother, \_\_\_% Father. Fees may be reallocated by the court or the parenting coordinator if he or she determines that one party has disproportionately caused the need for the services of the parenting coordinator.

#### 12. TERMINATION/WITHDRAWAL OF PARENTING COORDINATOR:

(a) The parties may not terminate the parenting coordinator's services without court approval.

(b) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall obtain leave of court.

(c) A party seeking the termination of the parenting coordinator shall serve the other party and parenting coordinator with a copy of the petition for termination. The court may rule on the petition submitted, or may schedule argument or an evidentiary hearing.

BY THE COURT:

\_\_\_\_\_ J.  
\_\_\_\_\_

[Pa.B. Doc. No. 10-2133. Filed for public inspection November 12, 2010, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ERIE COUNTY

#### Fee Schedule—Public Access to Official Case Records of Magisterial District Courts; Misc. No. AD 23-2010

#### Administrative Order

And Now, to-wit, this 27th day of April, 2010, it is hereby *Ordered, Adjudged* and *Decreed* that the July 8, 2008 Administrative Order regarding Access to Records Located in Magisterial District Judges Offices, AD 62-08, is *Rescinded*.

It is *Further Ordered* that the following fee schedule shall be implemented with regard to public access to official case records of the Magisterial District Courts:

- (1) Photocopying: \$.25 per page
- (2) Retrieval/redaction: \$7.00 per 15 minutes
- (3) CD: \$5.00 each
- (4) Postage: actual cost

The effective date of this Order shall be thirty (30) days after its publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DISANTIS, Jr.,  
President Judge

[Pa.B. Doc. No. 10-2134. Filed for public inspection November 12, 2010, 9:00 a.m.]



## LEHIGH COUNTY

**Fees for Public Access to Official Case Records of the Magisterial District Courts; No. AD-6-2010****Order**

*And Now*, this 1st day of July, 2010, *It Is Ordered*, in accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), and pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts adopted by the Pennsylvania Supreme Court (40 Pa.B. 513),

*It Is Ordered That* the following Fee Schedule and procedures shall apply to requests for public access to the records of the Magisterial District Courts within the 31st Judicial District consisting of Lehigh County, and shall become effective immediately.

*It Is Further Ordered That*, pursuant to Pa.R.J.A. 103(c)(1) ten (10) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts, which Office shall distribute same as provided in Pa.R.J.A. 103(c)(2)

*It Is Further Ordered That* a copy of the Fee Schedule adopted by this Administrative Order, as well as a copy of the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, published at 40 Pa.B. 513 (January 23, 2010), shall be posted in a conspicuous place, such as a public bulletin board, in each Magisterial District Court in Lehigh County.

A. Fee Schedule for Responding to Public Access Requests

1. Photocopying—twenty-five cents (\$0.25) per page.
2. Preparing, copying and refilling requested court documents—\$8.00 per 1/4 hour with a minimum of 1/4 hour.
3. Estimated fees are to be paid.
4. Fees paid for services rendered are not refundable.

## B. Remittal of Collected Fees

The fees received pursuant to this schedule shall be remitted to the County of Lehigh.

C. This schedule is adopted pursuant to § 213.5 of and supplements the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, published at 40 Pa.B. 513

(January 23, 2010), which provides the complete procedures governing such requests for access.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

[Pa.B. Doc. No. 10-2135. Filed for public inspection November 12, 2010, 9:00 a.m.]

## SOMERSET COUNTY

**Public Access of Official Case Records in the Magisterial District Courts; Administrative Order No. 2010; No. 48 Misc. 2010****Administrative Order**

*And Now*, this 29th day of October, 2010, *It Is Hereby Ordered*, pursuant to the Public Access Policy of the United Judicial System Magisterial District Court Records, that Somerset County Rule of Judicial Administration 510 is adopted and effective 30 days after publication in the *Pennsylvania Bulletin*:

*By the Court*

JOHN M. CASCIO,  
*President Judge*

**Rule 510. Public Access of Official Case Records in the Magisterial District Courts.**

A. The following are the fees to be charged for accessing and copying case records in the Somerset County magisterial district courts:

1. \$.25 per page copied (No fee shall be charged to a party for copies of their own case records).
2. \$8.00 for each completed quarter (1/4) hour associated with the preparation, copying and re-filing of requested court records. (This fee is only for bulk requests and shall not be charged if service time is less than 15 minutes).

B. Fees paid for services are non-refundable.

C. Pre-payment of estimated costs for services may be required at the discretion of the magisterial district court judge.

[Pa.B. Doc. No. 10-2136. Filed for public inspection November 12, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 123 ]

#### Standards for Contaminants; Mercury Emissions

The Environmental Quality Board (Board) amends Chapter 123 (relating to standards for contaminants) to read as set forth in Annex A. The purpose of this final-omitted rulemaking is to rescind the “state-specific” requirements to reduce mercury emissions from coal-fired electric generating units (EGUs) with a nameplate rated capacity of more than 25 megawatts that produce electricity for sale as set forth in §§ 123.201—123.215 (Pennsylvania Mercury Rule).

This final-omitted rulemaking rescinds §§ 123.201—123.215, which were approved as final rulemaking by the Board on October 16, 2006, and published at 37 Pa.B. 883 (February 17, 2007).

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if the agency for good cause finds that the notice of proposed rulemaking procedure is in the circumstances impracticable, unnecessary or contrary to the public interest. Omission of notice of proposed rulemaking for the rescission of the Pennsylvania Mercury Rule is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. As more fully explained as follows, on December 23, 2009, the Pennsylvania Supreme Court upheld an order which declared the Pennsylvania Mercury Rule invalid. See *PPL Generation, LLC v. Department of Environmental Protection*, 986 A.2d 48.

This rescission of the regulations was adopted by order of the Board at its meeting of August 30, 2010.

#### A. Effective Date

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Persons and Information

For further information, contact Krishnan Ramamurthy, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available electronically through the Department of Environmental Protection’s (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Keyword: Public Participation).

#### C. Statutory Authority

The final-omitted rulemaking is being made under the authority of section 5 of the Air Pollution Control Act

(APCA) (35 P. S. § 4005). Section 5(a) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

#### D. Background of the Amendments

Under section 112(n)(1)(A) of the Clean Air Act (CAA) (42 U.S.C.A. § 7412(n)(1)(A)), Congress directed the United States Environmental Protection Agency (EPA) to perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions of hazardous air pollutants (HAPs) by EGUs. Under this same subparagraph, the EPA is further directed to regulate EGUs if the EPA finds that regulation is appropriate and necessary after considering the results of the study.

On February 28, 1998, the EPA fulfilled its statutory obligation, under section 112(n)(1)(A) of the CAA, when it released its “Study of Hazardous Air Pollutant Emissions from Electric Steam Generating Units—Final Report to Congress.”

On December 20, 2000, the EPA concluded, based upon the findings of its 1998 report and on information subsequently obtained, that in accordance with section 112(n)(1)(A) of the CAA, the regulation of mercury emissions from electric utilities was “appropriate and necessary.” See 65 FR 79825. As a result of these findings, the EPA added these units to the list of source categories to be regulated under section 112(c) of the CAA. The EPA was then required to establish emission standards for this source category under section 112(d) of the CAA.

On August 9, 2004, Citizens for Pennsylvania’s Future, PennEnvironment, Pennsylvania Federation of Sportsmen’s Clubs, Pennsylvania NOW, Pennsylvania State Building and Construction Trades Council, Pennsylvania Trout, Planned Parenthood Pennsylvania Advocates, Sierra Club Pennsylvania Chapter, Women’s Law Project and WomenVote PA filed a petition for rulemaking under Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) requesting that the Board adopt regulations to reduce mercury emissions from EGUs in this Commonwealth.

On March 29, 2005, the EPA published a final rule entitled “Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units From the Section 112(c) List.” See 70 FR 15994. As a result of this conclusion, the EPA removed coal- and oil-fired EGUs from the section 112(c) list.

On March 15, 2005, the EPA finalized the Clean Air Mercury Rule (CAMR). The final rulemaking, published on May 18, 2005, established standards of performance for mercury for new and existing coal-fired EGUs, as defined in section 111 of the CAA (42 U.S.C.A. § 7411). See 70 FR 28606. The CAMR establishes a “cap-and-trade” program by which mercury emissions from new and existing coal-fired EGUs are capped at specified, Nationwide levels.

In response to CAMR and associated EPA actions, on May 18, 2005, petitions for review challenging these final EPA actions were filed with the United States Court of Appeals for the D.C. Circuit. In addition to the Commonwealth, state challengers included California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New Jersey, New York, Rhode Island, Vermont and Wisconsin. The petitions for review

asserted that the Delisting Rule did not follow the procedures in section 112(c)(9) of the CAA for removing a pollution source from section 112 of the CAA (namely, oil- and coal-fired EGUs).

Section 111(c) and (d) of the CAA requires each state to develop and submit to the EPA Administrator a procedure for implementing and enforcing the new source performance standards for new sources and emission guidelines for existing sources.

The proposed Pennsylvania Mercury Rule was published at 36 Pa.B. 3185 (June 24, 2006) for a 60-day comment period. The final Pennsylvania Mercury Rule was approved by the Board on October 16, 2006, and adopted as final on February 16, 2007, effective February 17, 2007. See 37 Pa.B. 883. The Commonwealth chose to implement the CAMR through the Pennsylvania Mercury Rule.

On February 8, 2008, in *New Jersey v. Environmental Protection Agency*, 517 F.3d 574, 380 (D.C. Cir. 2008), the D.C. Circuit Court agreed with the Commonwealth's position, finding that the plain language of section 112 of the CAA required that the EPA satisfy the requirements of section 112(c)(9) of the CAA prior to removing a pollution source from section 112 of the CAA. The D.C. Circuit Court further observed that the EPA conceded that it had never made the findings that section 112(c)(9) of the CAA would require it to delist oil- and coal-fired EGUs. Thus, the D.C. Circuit Court determined that the Delisting Rule was unlawful and vacated it, the effect of which was that EGUs remain listed under section 112 of the CAA. The D.C. Circuit Court also found that once the Delisting Rule was declared invalid, CAMR no longer had a legal basis and the Court vacated CAMR as well.

On September 15, 2008, PPL Generation, LLC, PPL Montour, LLC and PPL Brunner Island, LLC filed a petition for review in the Commonwealth Court's original jurisdiction, challenging the validity of the Pennsylvania Mercury Rule.

On January 30, 2009, the Commonwealth Court issued an order that invalidated the Pennsylvania Mercury Rule. The Commonwealth Court reasoned that because the D.C. Circuit Court found that the Delisting Rule and CAMR were void ab initio (from the beginning, rather than from when the D.C. Circuit Court had declared them void), EGUs will be deemed to have been always listed.

On February 6, 2009, the Acting United States Solicitor General filed a motion on behalf of the EPA to dismiss a petition for certiorari pending before the United States Supreme Court, which appealed the D.C. Circuit Court decision in *New Jersey*. That motion to dismiss stated that after the certiorari petition was filed, the EPA decided to act in conformity with the D.C. Circuit Court's decision in *New Jersey* and to develop standards regulating power plant mercury emissions under section 112 of the CAA.

On appeal by the Commonwealth, on December 23, 2009, the Pennsylvania Supreme Court affirmed the Commonwealth Court order. The Pennsylvania Supreme Court noted that once the Delisting Rule was found to have no validity, the authorization and legal predicate for the Pennsylvania Mercury Rule ceased to exist.

On April 15, 2010, the United States District Court for the District of Columbia approved a consent decree that requires the EPA to propose technology-based standards to control emissions of mercury and other air toxics from fossil fuel-fired EGUs by March 2011 (*American Nurses Ass'n v. Jackson*, D.D.C., No. 08-02198, consent decree

entered April 15, 2010). A final rule must be issued by November 16, 2011. This final rule will take the place of CAMR, which was vacated by the D.C. Circuit Court of Appeals. Additionally, the requirements under this final rule will be adopted in their entirety and incorporated by reference in Chapter 122 (relating to national standards of performance for new stationary sources). Therefore, at a minimum, fossil-fuel-fired EGUs operating in this Commonwealth will be subject to those standards.

#### E. *Benefits, Costs and Compliance*

##### *Benefits*

This final-omitted rulemaking merely complies with the Pennsylvania Supreme Court decision in *PPL Generation, LLC v. Department of Environmental Protection*.

##### *Compliance Costs*

This final-omitted rulemaking will not require additional costs for compliance.

##### *Compliance Assistance Plan*

This final-omitted rulemaking will not require a compliance assistance plan.

##### *Paperwork Requirements*

Additional paperwork will not be required as a result of this final-omitted rulemaking.

#### F. *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 17, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on October 20, 2010, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 21, 2010, and approved the final-omitted rulemaking.

#### G. *Findings*

The Board finds that:

(1) The amendments as set forth in Annex A are appropriate to rescind the Pennsylvania Mercury Rule.

(2) Use of the omission of notice of proposed rulemaking procedure is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL is, in this instance, impracticable, unnecessary and contrary to the public interest. The Pennsylvania Mercury Rule has been vacated by a State court order, necessitating prompt rescission.

(3) This final-omitted rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

#### H. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 123, are amended by deleting §§ 123.201—123.215 to read as set forth in Annex A.

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

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

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

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

JOHN HANGER,  
*Chairperson*

*(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)*

**Fiscal Note:** 7-465. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 123. STANDARDS FOR CONTAMINANTS**

**MERCURY EMISSION STANDARDS FOR CONTAMINANTS**

§§ 123.201—123.215. (Reserved).

[Pa.B. Doc. No. 10-2137. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Falconry**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, amended §§ 147.101 and 147.103 (relating to definitions; and classes) to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer and expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the Migratory Bird Treaty Act (act) (16 USCA §§ 703—711).

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 4391 (August 7, 2010).

*1. Purpose and Authority*

On October 6, 2009, the Commission finally adopted comprehensive changes to the various standards and conditions concerning falconry permits within this Commonwealth. These amendments were primarily intended to bring the Commonwealth into compliance with new Federal permitting standards concerning falconry that becomes fully effective January 1, 2014. Since the adoption of these amendments, the Commission has come to the recognition that the standards concerning whom is eligible to sponsor new falconers are insufficient to ensure that sponsors themselves have enough experience to properly guide new falconers. To this end, the Commission amended § 147.101 to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer. The Commission also amended § 147.103 to expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the act.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.101 and 147.103 were adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amended §§ 147.101 and 147.103 by adding language to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer and expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the act.

*3. Persons Affected*

Persons wishing to engage in falconry activities within this Commonwealth may be affected by the final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

*5. Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.101 and 147.103 to read as set forth at 40 Pa.B. 4391.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 4391 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-309 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-2138. Filed for public inspection November 12, 2010, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### [ 58 PA. CODE CHS. 549 AND 561 ]

#### **Blackjack and Pai Gow Poker; Temporary Regulations**

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

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking amends the rules for Blackjack and Pai Gow Poker. These amendments were made in response to requests received from certificate holders and based on the Board's experience to date.

#### *Explanation of Chapters 549 and 561*

The Board received numerous requests for optional side wagers on games that are currently approved for play.

In Chapter 549, the Royal Match 21 Wager was added as an optional side wager. The requirements for table layouts were added in § 549.2(c)(7) (relating to Blackjack table; card reader device; physical characteristics; inspections). Section 549.20 (relating to Royal Match 21 Wager) is added to provide the rules of play and the payout odds on the Royal Match 21 Wager.

In Chapter 561, the Emperor's Treasure and Pai Gow Insurance Wagers were added as optional side wagers. Amendments were made to § 561.1 (relating to definitions) to account for the new side wagers. The requirements for table layouts were added in § 561.2(b)(6) and (7) (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics). The ranking of cards for the Emperor's Treasure Wager was added to § 561.6(f)

(relating to Pai Gow Poker rankings; cards; poker hands) and a restriction on the use of the joker for the Pai Gow Insurance Wager was added as § 561.6(g).

Section 561.13b (relating to Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation) is added to provide the rules of the Emperor's Treasure Wager, the dealing procedure, the payout odds and additional bonus payout and the option for a maximum payout limitation on the Emperor's Treasure Wager.

Section 561.13c (relating to Pai Gow Insurance Wager; payout odds; payout limitation) is added to provide the rules of the Pai Gow Insurance Wager, the dealing procedure, the payout odds and the option for a maximum payout limit on the Pai Gow Insurance Wager.

#### *Affected Parties*

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

#### *Fiscal Impact*

#### *Commonwealth*

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

#### *Political subdivisions*

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

#### *Private sector*

The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. The addition of an optional side wager may increase the wagers in Blackjack and Pai Gow Poker.

#### *General public*

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

#### *Paperwork requirements*

If a certificate holder elects to offer additional side wagers, it will have to submit updated rules submissions for approval and will have to update gaming guides offered to the public to reflect the additional wagers available.

#### *Effective Date*

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

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-134.

*Contact Person*

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

*Regulatory Review*

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

*Findings*

The Board finds that:

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

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

*Order*

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

(1) The regulations of the Board, 58 Pa. Code Chapters 549 and 561, are amended by amending §§ 549.2, 561.1, 561.2 and 561.6 and by adding §§ 549.20, 561.13b and 561.13c to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective November 13, 2010.

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

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

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

GREGORY C. FAJT,  
*Chairperson*

**Fiscal Note:** 125-134. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 549. BLACKJACK**

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

\* \* \* \* \*

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

\* \* \* \* \*

(7) If a certificate holder offers the Royal Match 21 Wager:

(i) A separate area designated for the placement of the Royal Match 21 Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Royal Match 21 Wager and the payout for the Crown Treasure Bonus, if offered. If the payout odds and amounts are not inscribed on the layout, a sign identifying the payout odds and amounts shall be posted at each Blackjack table.

\* \* \* \* \*

**§ 549.20. Royal Match 21 Wager.**

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Royal Match 21 Wager with an optional Crown Treasure Bonus. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Crown Treasure Bonus*—Additional payout when both the player and dealer have a Royal Match.

*Royal Match*—King and queen of the same suit.

*Suited Match*—Two cards of the same suit that are not a king and queen.

(b) Prior to the first card being dealt for each round of play, a player who has placed a basic wager required under § 549.4 (relating to wagers) may make an additional Royal Match 21 Wager, which shall have no bearing on any other wagers made by the player. The Royal Match 21 Wager of a player shall be in an amount not less than \$1 and may not exceed the lesser of:

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

(2) A maximum amount established by the certificate holder in the certificate holder’s Rules Submission under § 521.2.

(c) A Royal Match 21 Wager shall be made by placing value chips on the appropriate area of the Blackjack layout.

(d) The Royal Match 21 Wager of a player shall win if the first two cards of the player are a Suited Match or a Royal Match. If a certificate holder offers the Crown Treasure Bonus, a player shall win a bonus payout if both the player and the dealer have a Royal Match.

(e) Except as provided in subsection (f), for certificate holders that offer the Crown Treasure Bonus, immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player to his far right and moving counterclockwise around the table, settle all Royal Match 21 Wagers by collecting the losing wagers and paying the winning wagers in accordance with subsection (g).

(f) If a certificate holder offers the Crown Treasure Bonus and:

(1) The dealer’s up card is not a king or a queen, the dealer shall settle all Royal Match 21 Wagers in accordance with subsection (e).

(2) The dealer’s up card is a king or a queen and:

(i) A player does not have Royal Match, the dealer shall settle the Royal Match 21 Wager in accordance with subsection (e).

(ii) A player has a Royal Match, that player’s Royal Match 21 Wager shall be settled after the dealer’s hole

card is exposed but prior to settling the player's basic wager required under § 549.4. If after exposing the hole card the dealer also has a Royal Match, the player shall be paid a Crown Treasure Bonus, in accordance with subsection (g), in addition to the payout for his Royal Match.

(g) The certificate holder shall pay out winning Royal Match 21 Wagers at the odds contained in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

(1) If a single deck of cards is being used:

Hand	Payout A	Payout B
Royal Match	10 to 1	5 to 1
Suited Match	3 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000

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

Hand	Payout C	Payout D	Payout E
Royal Match	30 to 1	25 to 1	25 to 1
Suited Match	2.5 to 1	2.5 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000	\$1,000

**CHAPTER 561. PAI GOW POKER**

**§ 561.1. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

(6) If the certificate holder offers the Emperor's Treasure Wager:

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

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

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

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

(7) If a certificate holder offers the Pai Gow Insurance Wager:

(i) A separate designated area for each player, located to the left of the player's betting area, designed for the placement of the Pai Gow Insurance Wager.

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

(2) Royal flush plus ace and king suited is a seven card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, and an additional ace and king of the same suit without a joker.

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

(g) If a certificate holder offers the optional Pai Gow Insurance Wager under § 561.13c (relating to Pai Gow Insurance Wager; payout odds; payout limitation), a joker, which is not used to complete a straight or a flush, is ranked as an ace for the purposes of determining the Pai Gow Insurance Wager.

**§ 561.13b. Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Table A*

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

*Table B*

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



<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

*Table C*

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

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

**§ 561.13c. Pai Gow Insurance Wager; payout odds; payout limitation.**

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Pai Gow Insurance Wager on whether the player will be dealt a hand type as set forth in subsection (e).

(b) Prior to the first card being dealt for each round of play, each player who has placed a wager in accordance with § 561.7 (relating to wagers), may make a Pai Gow Insurance Wager by placing a value chip of at least \$1 into the separate area designated for that player.

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

(d) If a Pai Gow Insurance Wager has been made by one or more players, the dealer shall observe the procedures in § 561.13 (relating to procedures for completion

of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish) with the following modifications:

(1) The dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle the Pai Gow Poker wager of each player and collect any vigorish that is due, provided that the cards of a player who has placed a Pai Gow Insurance Wager shall remain on the layout regardless of the outcome of the player's Pai Gow Poker wager.

(2) After settling the Pai Gow Poker wager of a player who has placed a Pai Gow Insurance Wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and shall be responsible for creating the hand for purposes of the Pai Gow Insurance Wager. If a player:

(i) Does not have a Pai Gow Hand, the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Has a Pai Gow Hand, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with subsection (e).

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

*Table A*

<i>Hand</i>	<i>Payout</i>
Nine-High Pai Gow Hand	100 to 1
Ten-High Pai Gow Hand	25 to 1
Jack-High Pai Gow Hand	15 to 1
Queen-High Pai Gow Hand	6 to 1
King-High Pai Gow Hand	5 to 1
Ace-High Pai Gow Hand	3 to 1

*Table B*

<i>Hand</i>	<i>Payout</i>
Nine-High Pai Gow Hand	100 to 1
Ten-High Pai Gow Hand	25 to 1
Jack-High Pai Gow Hand	15 to 1
Queen-High Pai Gow Hand	7 to 1
King-High Pai Gow Hand	5 to 1
Ace-High Pai Gow Hand	3 to 1

(f) Notwithstanding the payout odds in subsection (e), a certificate holder may establish a maximum payout for a winning Pai Gow Insurance Wager that is payable for one round of play. The maximum payout amount shall be at least \$40,000 or the maximum amount that one player could win per round when betting the minimum possible wager, whichever is greater. Maximum payouts established by a certificate holder require the approval of the Board's Executive Director and shall be included in the certificate holder's Rules Submission filed in accordance with § 521.2.

[Pa.B. Doc. No. 10-2139. Filed for public inspection November 12, 2010, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CHS. 1187 AND 1189 ]

### Transition to RUG-III Version 5.12 and Latest Assessment

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1) 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 amend the Department's payment methodology to phase-in the use of the Resource Utilization Group III (RUG-III) classification system, version (v.) 5.12 44 Grouper, and the most recent resident assessments in determining the case-mix indices that are used in setting case-mix per diem rates for nonpublic nursing facilities and in making certain incentive payments to county nursing facilities.

#### *Background*

A case-mix index (CMI) is a numerical score that is assigned to a resident of a nursing facility. The score is determined by a classification system that analyzes data about the resident's medical condition and functional status and classifies the resident into a group based on the resident's characteristics and clinical needs. Each group has a CMI or numerical score which is intended to reflect the relative resource use of the average resident assigned to the group. The group's CMI score is assigned to each resident who is classified in the group. Generally, a resident with a higher CMI score has greater needs and, therefore, requires more nursing facility resources than a resident with a lower CMI score.

In this proposed rulemaking, the Department is proposing to change the source of the data and the classification system that is used in determining nursing facility residents' CMIs. Because the Department recognizes that these changes may impact nonpublic nursing facility case-mix payment rates, the Department is also proposing to phase-in these changes over a 3-year period. Before describing these changes, a review of how the Department currently calculates CMIs and uses them to set and adjust per diem rates for nonpublic nursing facilities and to make certain incentive payments to county nursing facilities is being provided.

*CMI calculations.* Currently, the Department calculates a CMI score for each nursing facility resident present in a nursing facility on the first calendar day of the second month of each calendar quarter (that is, February 1, May 1, August 1 and November 1). These 4 days are known as "picture dates." To determine a resident's CMI score for a picture date, the Department extracts data from the most recent comprehensive assessment of the resident, which was transmitted by the nursing facility using the Federally Approved Pennsylvania Specific Minimum Data Set (MDS) v. 2.0. The MDS is a Federally-mandated standardized assessment of a resident's clinical and functional status that nursing facilities participating in the MA Program must complete and submit for each of their

nursing facility residents at prescribed periods during the resident's stay at the facility. See 42 CFR 483.20 (relating to resident assessment). Then, using the RUG-III, v. 5.01 44 Grouper classification system, the Department classifies the resident into 1 of the 44 groups and assigns the resident a CMI score. These CMI scores are used in rate setting and making incentive payments to county nursing facilities.

*Medical Assistance (MA) payments to nonpublic nursing facilities.* Currently, the MA Program pays for nursing facility services provided to MA eligible recipients by participating nonpublic nursing facilities at per diem rates that are computed using the case-mix payment system in Chapter 1187, Subchapter G (relating to rate setting). A new case-mix payment rate is established for each nonpublic nursing facility once each fiscal year, also referred to as the rate year. The rate established for each nursing facility takes effect July 1, the start of the State fiscal year, and remains in effect until the close of the fiscal year on June 30.

Each nonpublic nursing facility's case-mix per diem rate consists of four rate components, one for each of the three net operating cost centers ("resident care" costs, "other resident related" costs and "administrative" costs) and a fourth component for the "capital" cost center. To determine the rate components of each of the three net operating cost centers, the Department groups nursing facilities into peer groups based on bed size and geographic location. See § 1187.94 (relating to peer grouping for price setting). For each peer group, the Department calculates a "peer group price" for the three net operating cost centers and uses the prices to set the amounts of the respective rate components for the individual nursing facilities assigned to the peer groups. As part of setting the peer group prices for the resident care cost center, the Department neutralizes each nursing facility's resident care costs using the facility's total facility CMI, which is the arithmetic mean CMI, or average CMI, of all residents of the facility on the applicable February 1st picture date. See § 1187.96(a)(5) (relating to price- and rate-setting computations). Although the Department established a separate payment methodology for county nursing facilities in 2006, the Department has continued to use county nursing facility audited costs in determining the peer group prices for nonpublic nursing facilities. County nursing facility costs are also neutralized as part of the price-setting process. Consistent with the act of July 4, 2008 (P.L. 557, No. 44), the Department is seeking to amend the State Plan and Chapter 1187 to phase out the use of county costs over a 3-year period ending June 30, 2012. See 39 Pa.B. 4179 (July 18, 2009).

Once the Department calculates the resident care peer group price for the rate year, the Department computes each nursing facility's resident care rate component and then adjusts that component every quarter during the rate year using the facility's MA CMI for the picture date designated for the rate quarter. See § 1187.96(a)(5). The MA CMI is the arithmetic mean CMI or average CMI of all MA residents of the nursing facility on a picture date. The Department pays each nonpublic nursing facility for nursing facility services provided to MA recipients during the quarter using the facility's adjusted quarterly case-mix per diem rate calculated for the respective calendar quarter.

*MA payments to county nursing facilities.* Currently, the Department makes payments to county nursing facilities

for services provided to MA recipients as specified in Chapter 1189 and the Commonwealth's approved State Plan. As specified in the State Plan, the Department makes pay for performance (P4P) payments to county nursing facilities that have an MA CMI for a picture date which is higher than their MA CMI for the prior picture date. The Federal Centers for Medicare and Medicaid Services (CMS) recently approved a State Plan Amendment authorizing the Department to continue to make quarterly P4P payments in Fiscal Years 2009-2010, 2010-2011 and 2011-2012.

#### *Requirements*

The following is a summary of the major provisions in the proposed rulemaking:

#### *§§ 1187.2 and 1187.33 (relating to definitions; and resident data and picture date reporting requirements)—Resident assessment*

As previously noted, the Department determines the RUG category and CMI score for each nursing facility resident using the assessment data from the resident's most recent comprehensive MDS assessment as submitted by the nursing facility. Using the CMI scores calculated for each resident, the Department calculates a total facility CMI score, and a facility MA CMI score for each nursing facility and a Statewide average MA CMI score. Nursing facilities are required to conduct and electronically submit assessments other than "comprehensive assessments" for their residents. These assessments also contain all MDS data elements needed to calculate the resident's RUG category and CMI score. These assessments may be completed after the latest comprehensive assessment and, therefore, provide more current information on the residents' condition and care needs.

Rather than continuing to use older assessment data to determine a resident's RUG category and CMI score, the Department is proposing to amend its regulations to require use of the most recent assessment of any type for each resident, whether or not the assessment is comprehensive, effective July 1, 2010. This change will enable the Department to make acuity adjustments and P4P payments using the most up-to-date resident data available without additional administrative burdens or costs to either nursing facilities or the Department.

To implement this change, the Department is proposing to amend the current definition of "resident assessment" in § 1187.2 by deleting the term "comprehensive" and § 1187.33(a)(6) by deleting the language regarding Medicare assessments.

The Department is proposing to use the most recent assessment of any type in determining the CMIs of residents of both nonpublic and county nursing facilities. The CMI scores affected by this proposed rulemaking will be used to calculate the total facility CMIs and the MA CMIs that will be used in setting nonpublic nursing facility rates effective on and after July 1, 2010. In addition, the CMI scores affected by this proposed amendment will be used in determining which county nursing facilities are eligible to receive P4P payments beginning with the July 1—September 30, 2010, P4P payment period.

#### *§ 1187.93 and Chapter 1187, Appendix A (relating to CMI calculations; and resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system)—Case-mix classification tool*

As previously noted, nursing facilities participating in the MA Program complete and submit resident assess-

ments using the Federally Approved Pennsylvania Specific MDS 2.0. The Department takes data from the MDS 2.0 resident assessments and, using RUG-III v. 5.01 44 Grouper classification system, assigns a CMI score to each nursing facility resident. The Commonwealth is currently only one of two states that still use the RUG-III v. 5.01 44 Grouper.

CMS has developed a new version of the MDS resident assessment, MDS 3.0, which nursing facilities participating in the Medicare or MA Program, or both, will be required to use effective October 1, 2010. The new version of the MDS has been designed to improve the reliability, accuracy and usefulness of the assessment tool, to include the resident in the assessment process and to incorporate the use of standard protocols used in other health care settings. According to CMS, the enhanced accuracy of the MDS 3.0 will improve clinical assessments and bolster programs that rely on the MDS for assessing the needs of consumers.

The MDS 3.0 assessment does not contain the elements necessary for resident classification with the RUG-III v. 5.01 44 Grouper and CMS has stated it will no longer support this Grouper once MDS 3.0 is implemented. In anticipation of the CMS move to the new MDS 3.0, the Department is proposing to change the Grouper used in determining nursing facility residents' CMI scores effective for rate setting periods commencing on and after July 1, 2010, to the RUG-III v. 5.12 44 Grouper. This RUG-III version, which is compatible with the MDS 3.0, is based on updated time studies conducted in 1995 and 1997 and reflects changes in nursing facility resident conditions and care since the original studies conducted in 1990. The combination of the use of the latest assessment to more accurately measure current resident acuity and a classification system based on more recent time studies will result in better distribution of scarce MA resources.

To implement this proposed amendment, the Department will amend § 1187.93 and update Chapter 1187, Appendix A to reflect both the associated Nursing Only CMI scores established by CMS for the RUG-III v. 5.12 44 Grouper classification system and the CMI scores normalized for nursing facilities in this Commonwealth. Normalization of CMI scores is a common process used by states when implementing a RUG-III based case-mix payment system or when changing to a new RUG version. Scores are normalized so that the average statewide CMI score equals 1.00. The Commonwealth normalized CMI scores the Department will use in the proposed amendments range from 0.48 to 1.75.

The Department is proposing to use the RUG-III v. 5.12 44 Grouper classification system in determining the CMIs of residents of both nonpublic and county nursing facilities. The CMI scores affected by this proposed rulemaking will be used to calculate the total facility CMIs and the MA CMIs that will be used in setting nonpublic nursing facility rates effective on and after July 1, 2010. In addition, the CMI scores affected by this proposed amendment will be used in determining which county nursing facilities are eligible to receive P4P payments beginning with the July 1—September 30, 2010, P4P payment period. The affected CMIs include the February 1, 2010, picture date total facility CMI and MA CMI; the total facility CMI for the February 1 picture dates from all of the cost report periods of the MA cost reports used in the July 1, 2010, rate setting database; the MA CMIs from the May 1, 2010, picture date, the August 1, 2010, picture date, the November 1, 2010, picture date; and the total facility CMIs and MA CMIs for all subsequent picture dates.

§ 1187.96 (relating to price- and rate-setting computations)—Phase-In—RUG-III v. 5.12 44 Grouper and the most recent resident assessment

The Department recognizes that the change in RUG-III Grouper and use of the most recent resident assessment of any type may cause a reduction in per diem rates for some nonpublic nursing facilities. Therefore, to mitigate adverse impact this proposed rulemaking may have on nonpublic nursing facilities, the Department is proposing a 3-year phase-in for the transition to the RUG-III v. 5.12 44 Grouper and the use of the most recent resident assessment, for rate setting periods beginning July 1, 2010, and ending June 30, 2013. Phasing in these proposed amendments will provide nursing facilities the opportunity to gain competency using MDS 3.0 and become familiar with the new RUG-III Grouper and resident assessment selection process. Specifically, the Department is proposing to amend § 1187.96 to specify that for July 1, 2010, through June 30, 2013, unless the nursing facility is a new facility, the resident care rate that the Department will use to establish a nursing facility's case-mix per diem rate will be a blended resident care rate that will consist of a portion of a 5.01 resident care rate and a portion of a 5.12 resident care rate.

The Department does not intend to apply the phase-in provisions to new nonpublic nursing facilities, since the phase-in period is being proposed as a transition from one system to another; rather, the Department will amend § 1187.97 (relating to rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities) to specify that the new facilities will be assigned a Statewide average MA CMI calculated using the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent assessments. When a new nursing facility's assessment data is used in a rate determination the CMI values used to determine the new nursing facility's total facility CMIs and MA CMI will be the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent assessment.

§ 1189.105 (relating to incentive payments)—County nursing facilities—P4P Payments

As previously noted, the Department calculates MA CMI scores for county nursing facilities and uses the scores in determining which county nursing facilities are eligible to receive quarterly P4P payments. To be eligible for a P4P payment, a county nursing facility must meet the definition of a "county nursing facility" at the time the quarterly P4P payment is being made. In addition, the county nursing facility's MA CMI for a picture date must be higher than the facility's MA CMI for the previous picture date. Since county nursing facility MA CMIs are used only for this limited purpose, the Department does not intend to provide for a phase-in of the proposed changes. The Department proposes to amend § 1189.105 to specify, that, in determining whether a county nursing facility qualifies for a quarterly P4P incentive for P4P periods beginning on and after July 1, 2010, the facility's MA CMI for a picture date will equal the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date, and an MA resident's CMI will be calculated using the RUG-III v. 5.12 44 group values in Chapter 1187, Appendix A and the most recent assessment of any type for the resident.

*Affected Individuals and Organizations*

This proposed rulemaking will affect nonpublic nursing facilities enrolled in the MA Program and county nursing facilities that seek to qualify for P4P payments under § 1189.105(b).

*Accomplishments and Benefits*

This proposed rulemaking will benefit MA nursing facility residents in this Commonwealth by assuring they will continue to have access to medically necessary nursing facility services while providing for reasonable and adequate payments to MA nursing facility providers consistent with the fiscal resources of the Commonwealth.

*Fiscal Impact*

Fiscal impact is not anticipated as a result of this proposed rulemaking.

*Paperwork Requirements*

There are no new or additional paperwork requirements.

*Effective Date*

The proposed effective date for the proposed rulemaking is July 1, 2010.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Yvette Sanchez-Roberts, Department of Public Welfare/Department of Aging, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-520 when submitting comments.

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

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 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:** 14-520. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter A. GENERAL PROVISIONS

§ 1187.2. Definitions.

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

\* \* \* \* \*

*Federally Approved Pennsylvania (PA) Specific Minimum Data Set (MDS)*—[ **One of three components of the Federally designed Resident Assessment Instrument (RAI). The RAI includes the MDS, the Resident Assessment Protocols and Utilization Guidelines. The MDS is a** ] A minimum core of assessment items with definitions and coding categories needed to comprehensively assess a nursing facility resident.

\* \* \* \* \*

*Preadmission screening and [ annual ] resident review*—The preadmission screening process that identifies target residents regardless of their payment source; and the [ **annual** ] resident review process that reviews target residents to determine the continued need for nursing facility services and the need for specialized services.

\* \* \* \* \*

*Resident assessment*—A [ **comprehensive,** ] standardized evaluation of each resident's physical, mental, psychosocial and functional status [ **conducted within 14 days of admission to a nursing facility, promptly after a significant change in a resident's status and on an annual basis** ].

\* \* \* \* \*

Subchapter D. DATA REQUIREMENTS FOR NURSING FACILITY APPLICANTS AND RESIDENTS

§ 1187.33. Resident data and picture date reporting requirements.

(a) *Resident data and picture date requirements.* A nursing facility shall meet the following resident data and picture date reporting requirements:

\* \* \* \* \*

(6) The CMI report [ **shall** ] **must** include resident assessment data for every MA and every non-MA resident included in the census of the nursing facility on the picture date. [ **Assessments completed solely for Medicare payment purposes are not included on the CMI report.** ]

\* \* \* \* \*

Subchapter G. RATE SETTING

§ 1187.93. CMI calculations.

The Pennsylvania Case-Mix Payment System uses the following [ **three** ] CMI calculations:

\* \* \* \* \*

(4) Picture dates that are used for rate setting beginning July 1, 2010, and thereafter will be calculated based on the RUG versions and CMIs set forth in Appendix A.

§ 1187.96. Price- and rate-setting computations.

(a) Using the NIS database in accordance with this subsection and § 1187.91 (relating to database), the Department will set prices for the resident care cost category.

\* \* \* \* \*

(6) For rate years 2010-2011, 2011-2012 and 2012-2013, unless the nursing facility is a new nursing facility, the resident care rate used to establish the nursing facility's case-mix per diem rate will be a blended resident care rate.

(i) The nursing facility's blended resident care rate for the 2010-2011 rate year will equal 75% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (iv) plus 25% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (iv).

(ii) The nursing facility's blended resident care rate for the 2011-2012 rate year will equal 50% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (v) and 50% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (v).

(iii) The nursing facility's blended resident care rate for the 2012-2013 rate year will equal 25% of the nursing facility's 5.01 resident care rate calculated in accordance with subparagraph (v) and 75% of the nursing facility's 5.12 resident care rate calculated in accordance with subparagraph (v).

(iv) For the rate year 2010-2011, each nursing facility's blended resident care rate will be determined based on the following calculations:

(A) For the first quarter of the rate year (July 1, 2010—September 30, 2010), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a 5.12 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values the Department will use to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93 (relating to CMI calculations), will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent resident assessment of any type.

(II) The Department will calculate a 5.01 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values the Department will use to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.01 44-group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent comprehensive resident assessment.

(III) The nursing facility's blended resident care rate for the quarter beginning July 1, 2010, and ending September 30, 2010, will be the sum of the

nursing facility's 5.01 resident care rate multiplied by 0.75 and the nursing facility's 5.12 resident care rate multiplied by 0.25.

(B) For the remaining 3 quarters of the 2010-2011 rate year (October 1 through December 31; January 1 through March 31; April 1 through June 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a quarterly adjusted 5.12 resident care rate for each nursing facility in accordance with paragraph (5). The CMI values used to determine each nursing facility's MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent resident assessment of any type.

(II) The Department will calculate a quarterly adjusted 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior quarter 5.01 resident care rate by the percentage change between the nursing facility's current quarter 5.12 resident care rate and the nursing facility's previous quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current quarter 5.12 resident care rate by the nursing facility's previous quarter 5.12 resident care rate.

(III) The nursing facility's blended resident care rate for the 3 remaining quarters of the rate year will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.75 and the nursing facility's quarterly adjusted 5.12 resident care rate multiplied by 0.25.

(v) For rate years 2011-2012 and 2012-2013, each nursing facility's blended resident care rate will be determined based on the following calculations:

(A) For the first quarter of each rate year (July 1—September 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a 5.12 resident care rate for each nursing facility in accordance with paragraphs (1)—(5). The CMI values used to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent resident assessment of any type.

(II) The Department will calculate a 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior April 1st quarter 5.01 resident care rate by the percentage change between the nursing facility's current 5.12 resident care rate and the nursing facility's prior April 1st quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current 5.12 resident care rate by the nursing facility's April 1st quarter 5.12 resident care rate.

(III) The nursing facility's blended resident care rate for the quarter beginning July 1, 2011, and ending September 30, 2011, will be the sum of the nursing facility's 5.01 resident care rate multiplied by 0.50 and the nursing facility's 5.12 resident care rate multiplied by 0.50.

(IV) The nursing facility's blended resident care rate for the quarter beginning July 1, 2012, and ending September 30, 2012, will be the sum of the nursing facility's 5.01 resident care rate multiplied by 0.25 and the nursing facility's 5.12 resident care rate multiplied by 0.75.

(B) For the remaining 3 quarters of each rate year (October 1 through December 31; January 1 through March 31; April 1 through June 30), the Department will calculate each nursing facility's blended resident care rate as follows:

(I) The Department will calculate a quarterly adjusted 5.12 resident care rate for each nursing facility in accordance with paragraph (5). The CMI values used to determine each nursing facility's MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent resident assessment of any type.

(II) The Department will calculate a quarterly adjusted 5.01 resident care rate for each nursing facility by multiplying the nursing facility's prior quarter 5.01 resident care rate by the percentage change between the nursing facility's current quarter 5.12 resident care rate and the nursing facility's previous quarter 5.12 resident care rate. The percentage change will be determined by dividing the nursing facility's current quarter 5.12 resident care rate by the nursing facility's previous quarter 5.12 resident care rate.

(III) For the remaining 3 quarters of rate year 2011-2012 (October 1 through December 31; January 1 through March 31; April 1 through June 30), each nursing facility's blended resident care rate will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.50 and the nursing facility's quarterly adjusted 5.12 resident care rate multiplied by 0.50.

(IV) For the remaining 3 quarters of rate year 2012-2013 (October 1 through December 31; January 1 through March 31; April 1 through June 30), each nursing facility's blended resident care rate will be the sum of the nursing facility's quarterly adjusted 5.01 resident care rate multiplied by 0.25 and the facility's quarterly adjusted 5.12 resident care rate multiplied by 0.75.

(7) Beginning with rate year 2013-2014, and thereafter, the Department will calculate each nursing facility's resident care rate in accordance with paragraphs (1)—(5). The CMI values used to determine each nursing facility's total facility CMIs and facility MA CMI, computed in accordance with § 1187.93, will be the RUG-III version 5.12 44 group values as set forth in Appendix A. The resident assessment that will be used for each resident will be the most recent resident assessment of any type.

\* \* \* \* \*

(e) The following applies to the computation of nursing facilities' per diem rates:

\* \* \* \* \*

(3) For rate years 2010-2011, 2011-2012 and 2012-2013, unless the nursing facility is a new nursing facility, the nursing facility per diem rate will be computed by adding the blended resident care rate,

the other resident related rate, the administrative rate and the capital rate for the nursing facility.

**§ 1187.97. Rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities.**

The Department will establish rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities as follows:

(1) *New nursing facilities.*

(i) The net operating portion of the case-mix rate is determined as follows:

(A) A new nursing facility, unless a former county nursing facility, will be assigned the Statewide average MA CMI until assessment data submitted by the nursing facility under § 1187.33 (relating to resident data and picture date reporting requirements) is used in a rate determination under § 1187.96(s)(5) (relating to price- and rate-setting computations). **Beginning, July 1, 2010, the Statewide average MA CMI assigned to a new nursing facility will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent assessments of any type. When a new nursing facility has submitted assessment data under § 1187.33, the CMI values used to determine the new nursing facility's total facility CMIs and MA CMI will be the RUG-III version 5.12 44 group values and the resident assessment that will be used for each resident will be the most recent assessment of any type.**

\* \* \* \* \*

(C) The nursing facility will be assigned to the appropriate peer group. The peer group price for resident care, other resident related and administrative costs will be assigned to the nursing facility until there is at least one audited nursing facility cost report used in the rebasing process. **Beginning July 1, 2010, a new nursing facility will be assigned the peer group price for resident care that will be calculated using the RUG-III version 5.12 44 group values in Appendix A and the most recent assessments of any type.**

\* \* \* \* \*

**Appendix A**

**Resource Utilization Group Index Scores for Case-Mix Adjustment in the Nursing Facility Reimbursement System**

[ The Department announces the Resource Utilization Group (RUG-III) index scores for case-mix adjustment in the nursing facility reimbursement system. The index scores shall be effective for nursing facility rates starting January 1, 1996, and these index scores will remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

Section 1187.92(d) (relating to resident classification system) authorizes the Department to announce these index scores by notice submitted for recommended publication in the *Pennsylvania Bulletin* and suggested codification in the *Pennsylvania Code* as Appendix A.

The National RUG-III nursing CMI scores were normalized for the average resident in a nursing facility participating in the MA Program on February 1, 1993. The RUG-III PA normalized index scores are used to make case-mix adjustments in the computation of nursing facility rates. Subchapter G (relating to rate setting) defines the rate setting process. ]

The following chart is a listing by group of the RUG-III index scores that the Department will use to set each nursing facility's 5.01 resident care rate for the quarter beginning July 1, 2010, and ending September 30, 2010, as set forth in § 1187.96 (relating to price- and rate-setting computations). The table has one column that is the RUG-III nursing CMI scores and a second column that is the RUG-III PA normalized index scores.

**RUG-III VERSION 5.01 INDEX SCORES**

<i>RUG-III Group</i>	<i>RUG-III Nursing CMI</i>	<i>RUG-III PA Normalized Index</i>
RLA	1.14	1.13
RLB	1.36	1.35
RMA	1.25	1.24
RMB	1.38	1.37
RMC	2.09	2.07
RHA	1.06	1.05
RHB	1.31	1.30
RHC	1.50	1.49
RHD	1.93	1.91
RVA	0.82	0.81
RVB	1.18	1.17
RVC	1.79	1.77
SE1	1.78	1.76
SE2	2.65	2.62
SE3	3.97	3.93
SSA	1.28	1.27
SSB	1.47	1.46
SSC	1.61	1.59
CA1	0.67	0.66
CA2	0.76	0.75
CB1	0.94	0.93
CB2	1.08	1.07
CC1	1.16	1.15
CC2	1.19	1.18
CD1	1.37	1.36
CD2	1.46	1.45
IA1	0.49	0.49
IA2	0.60	0.59
IB1	0.80	0.79
IB2	0.88	0.87
BA1	0.41	0.41
BA2	0.58	0.57
BB1	0.78	0.77

<i>RUG-III Group</i>	<i>RUG-III Nursing CMI</i>	<i>RUG-III PA Normalized Index</i>	<i>RUG-III 44 Grouper</i>	<i>RUG-III Nursing Only CMIs</i>	<i>RUG-III PA Normalized Index</i>
BB2	0.87	0.86	CB1	0.92	0.86
PA1	0.39	0.39	CB2	1.00	0.94
PA2	0.52	0.51	CC1	1.08	1.01
PB1	0.66	0.65	CC2	1.23	1.15
PB2	0.68	0.67	IA1	0.58	0.54
PC1	0.77	0.76	IA2	0.63	0.59
PC2	0.86	0.85	IB1	0.73	0.69
PD1	1.00	0.99	IB2	0.76	0.71
PD2	1.01	1.00	BA1	0.52	0.49
PE1	1.13	1.12	BA2	0.61	0.57
PE2	1.19	1.18	BB1	0.71	0.67
			BB2	0.75	0.70
			PA1	0.51	0.48
			PA2	0.53	0.50
			PB1	0.55	0.52
			PB2	0.56	0.53
			PC1	0.70	0.66
			PC2	0.72	0.68
			PD1	0.73	0.69
			PD2	0.78	0.73
			PE1	0.84	0.79
			PE2	0.86	0.81

The following chart is a listing by group of the RUG-III index scores that the Department will use to set each nursing facility's 5.12 resident care rate for rate years 2010-2011, 2011-2012 and 2012-2013 and each nursing facility's resident care rate beginning with rate year 2013-2014, and thereafter, as set forth in § 1187.96. The table has one column that is the RUG-III nursing CMI scores and a second column that is the RUG-III PA normalized index scores.

**RUG-III VERSION 5.12 INDEX SCORES**

<i>RUG-III 44 Grouper</i>	<i>RUG-III Nursing Only CMIs</i>	<i>RUG-III PA Normalized Index</i>
RLA	0.87	0.82
RLB	1.22	1.15
RMA	1.06	1.00
RMB	1.20	1.13
RMC	1.48	1.39
RHA	0.96	0.90
RHB	1.16	1.09
RHC	1.30	1.22
RVA	0.89	0.84
RVB	1.14	1.07
RVC	1.24	1.16
RUA	0.85	0.80
RUB	1.05	0.99
RUC	1.43	1.34
SE1	1.28	1.20
SE2	1.52	1.43
SE3	1.86	1.75
SSA	1.11	1.04
SSB	1.15	1.08
SSC	1.24	1.16
CA1	0.82	0.77
CA2	0.91	0.85

**CHAPTER 1189. COUNTY NURSING FACILITY SERVICES**

**Subchapter E. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS**

**§ 1189.105. Incentive payments.**

\* \* \* \* \*

(b) *Pay for performance incentive payment.*

(1) The Department will establish pay for performance measures that will qualify a county nursing facility for additional incentive payments.

(2) The incentive payments will be made in accordance with the formula and qualifying criteria [ set forth ] in the Commonwealth's approved State Plan.

(3) **For pay for performance payment periods beginning on or after July 1, 2010, in determining whether a county nursing facility qualifies for a quarterly pay for performance incentive, the facility's MA CMI for a picture date will equal the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date. An MA resident's CMI will be calculated using the RUG-III version 5.12 44 group values in Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system) and the most recent assessment of any type for the resident.**

[Pa.B. Doc. No. 10-2140. Filed for public inspection November 12, 2010, 9:00 a.m.]



# GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

## Hunting and Trapping; Artificial Lights

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its October 5, 2010, meeting, to amend § 141.7 (relating to use of artificial lights) to remove conflicting language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 21, 2011.

### 1. *Purpose and Authority*

On July 3, 2007, House Bill 881 became law as 2007, July 3, P. L. 79, No. 26, § 1. This legislation, inter alia, amended sections 2308 and 2310 of the code (relating to unlawful devices and methods; and unlawful use of lights while hunting) to permit furbearer hunters or trappers to take furbearers with a firearm having a flashlight or spotlight mounted to it as long as the sole source of power for the flashlight or spotlight was contained within the light or possessed on their person. In an effort to enhance consistency of the Commission's regulations with the act, the Commission is proposing to amend § 141.7 to remove conflicting language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

Section 2102(d) of the code (relating to regulations) provides "The commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.7 were proposed under this authority.

### 2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.7 by removing language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

### 3. *Persons Affected*

Persons wishing to use gun-mounted lights while hunting any species where use of lights while hunting is permitted may be affected by the proposed rulemaking.

### 4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

### 5. *Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-313. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter A. GENERAL

#### § 141.7. Use of artificial lights.

(a) Coyotes are added to the list of animals in section 2310(b) of the act (relating to unlawful use of lights while hunting) which may be hunted with a light [ **ordinarily carried on the person** ].

\* \* \* \* \*

[Pa.B. Doc. No. 10-2141. Filed for public inspection November 12, 2010, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

## Hunting and Trapping; Turkey

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its October 5, 2010, meeting, to amend § 141.45 (relating to turkey) to expand the nontoxic shot authorization to both fall and spring turkey seasons as well.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 21, 2011.

### 1. *Purpose and Authority*

On January 26, 2010, the Commission adopted amendments to § 141.22 (relating to small game) that, inter alia, expanded the types of nontoxic shot that could be used to hunt small game to include a wide variety of commercially available nontoxic shot in addition to steel and Bismuth/tin shot ammunition. The Commission is proposing to amend § 141.45 to expand the nontoxic shot authorization to both fall and spring turkey seasons as well.

Section 2102(d) of the code (relating to regulations) provides "The commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.45 were proposed under this authority.

### 2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.45 by replacing language to expand the nontoxic shot authorization to both fall and spring turkey seasons.

3. *Persons Affected*

Persons wishing to use nontoxic shot ammunition to hunt wild turkey within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-314. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

**§ 141.45. Turkey.**

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

\* \* \* \* \*

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than #4 lead, [ #4 Bismuth/tin or ] #2 steel or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

\* \* \* \* \*

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than #4 lead, [ #4 Bismuth/tin or ] #2 steel or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

\* \* \* \* \*

[Pa.B. Doc. No. 10-2142. Filed for public inspection November 12, 2010, 9:00 a.m.]

[ 58 PA. CODE CH. 135 ]

**Lands and Buildings; State Game Farms**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its October 5, 2010, meeting, to amend § 135.61 (relating to State game farms) to make State game lands (SGLs) regulations equally applicable to State game farms.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 21, 2011.

1. *Purpose and Authority*

“State game farms” are the only lands and waters under Commission ownership that do not enjoy the wide range of enumerated protections from various conduct provided under § 135.41 (relating to State game lands) in addition to the protections currently provided under § 135.2 (relating to unlawful actions). The Commission is proposing to amend § 135.61 to make SGLs regulations equally applicable to State game farms.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” Section 741(b) of the code (relating to commission actions for damage to buildings or property) provides “The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control.” The amendments to § 135.61 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 135.61 by adding language expanding the application of SGLs regulations to lands and waters designated as State game farms.

3. *Persons Affected*

Persons wishing to utilize lands designated as State game farms may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-312. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter D. STATE GAME FARMS**

**§ 135.61. State game farms.**

[ In addition to § 135.2 (relating to unlawful actions), the following pertain to lands and waters owned by the Commission, designated as State game farms ] In addition to the following restrictions, §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission and designated as State game farms. It is unlawful to:

\* \* \* \* \*

[Pa.B. Doc. No. 10-2143. Filed for public inspection November 12, 2010, 9:00 a.m.]

**[ 58 PA. CODE CH. 135 ]**

**Lands and Buildings; State Game Lands**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its October 5, 2010, meeting, to amend § 135.41 (relating to State game lands) to limit the overnight placement of portable hunting blinds and stands on State game lands (SGLs).

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 21, 2011.

1. *Purpose and Authority*

The Commission has historically permitted the placement and use of portable hunting blinds and stands on SGLs and continued support for their allowance has not diminished. However, the Commission has identified that this allowance has, in certain instances, resulted in the unintended consequence of some portable hunting blinds and stands on SGLs seemingly becoming permanent fixtures due to long-term placement by hunters. While the Commission continues to support the placement and use of portable hunting blinds and stands on SGLs, it is proposing to amend § 135.41 to limit the overnight placement of portable hunting blinds and stands to 2 weeks before the opening of the first deer season to 2 weeks after the close of the last deer season within each

respective wildlife management unit and also limit the overnight placement of portable hunting blinds to the calendar dates of the spring turkey season.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.41 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 135.41 by adding language limiting the overnight placement of portable hunting stands to 2 weeks before the opening of the first deer season to 2 weeks after the close of the last deer season within each respective wildlife management unit, and also limit the overnight placement of portable hunting blinds to the calendar dates of the spring turkey season.

3. *Persons Affected*

Persons wishing to place portable hunting blinds or stands on SGLs may be affected by the proposed rule-making.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-311. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter C. STATE GAME LANDS**

**§ 135.41. State game lands.**

\* \* \* \* \*

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

\* \* \* \* \*

(11) [ **Occupy, use or construct, place or maintain structures or other tangible property, except that portable hunting blinds or stands may be used, provided no visible damage is caused to trees.** ] **Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:**

(i) Use may not cause damage to trees.

(ii) Except as provided in subparagraph (iii), overnight placement of portable hunting blinds or stands may not occur sooner than 2 weeks prior to the opening of the first deer season nor later than 2 weeks after the close of the last deer season within each wildlife management unit.

(iii) Overnight placement of portable hunting blinds is additionally permitted during the spring turkey season within each wildlife management unit.

\* \* \* \* \*

[Pa.B. Doc. No. 10-2144. Filed for public inspection November 12, 2010, 9:00 a.m.]

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# 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 November 2, 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

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-18-2010	Somerset Trust Company Somerset Somerset County	1739 Lyter Drive Johnstown Cambria County	Opened
10-22-2010	First Priority Bank Malvern Chester County	Towamencin Shopping Village 1758 Allentown Road Lansdale Montgomery County	Opened
10-27-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	821 West Lancaster Avenue Wayne Chester County	Approved
10-27-2010	Graystone Tower Bank Lancaster Lancaster County	212 West Lincoln Avenue Myerstown Lebanon County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-1-2010	Graystone Tower Bank Lancaster Lancaster County	<i>To:</i> 800 Norland Avenue Chambersburg Franklin County  <i>From:</i> 488 Gateway Avenue Chambersburg Franklin County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-29-2010	Graystone Tower Bank Lancaster Lancaster County	2001 Lincoln Way East Chambersburg Franklin County	Closed
10-29-2010	Graystone Tower Bank Lancaster Lancaster County	11050 Buchanan Trail East Waynesboro Franklin County	Closed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,  
*Secretary*

### Adjustment to Definition of “Base Figure” in the Loan Interest and Protection Law

The Department of Banking (Department), as required by the definition of “base figure” in section 101 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2011. The Department has determined that the current base figure of \$219,035 adjusted for annual inflation using the “Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100” published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$221,540. This new base figure will be effective January 1, 2011, for the calendar year 2011.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-2146. Filed for public inspection November 18, 2010, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January

30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December, 2010, is 5 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.03 to which was added 2.50 percentage points for a total of 5.53 that by law is rounded off to the nearest quarter at 5 1/2%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-2147. Filed for public inspection November 12, 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS602204 (Storm Water)	SR Recycling, Inc. 400 Daniels Road Rte 946 Nazareth, PA 18064	Northampton County Bushkill Township	Unnamed Tributary of East Branch Monocacy Creek (2-C) HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247774 (Stormwater)	Mueller's Auto Recycling & Sales, Inc. 1555 Mill Run Road Altoona, PA 16601	Blair County / Logan Township	Mill Run / HQ—CWF / 11-A	Y
PA0088536 (Sew)	Camp Hebron 957 Camp Hebron Road Halifax, PA 17032	Dauphin County / Halifax Township	Powells Creek / TSF / 6-C	Y
PA0088323 (IW)	Ontelaunee Power Operating Company, LLC 5115 Pottsville Pike Reading, PA 19605-9729	Berks County / Ontelaunee Township	Schuylkill River / WWF / 3-B	Y
PA0085880 (SEW)	Albert Hafer, Jr. & Christina Shaffer 127 Lee Spring Road Blandon, PA 19510	Berks County / Ruscombmanor Township	Willow Creek / 3-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034916 (Industrial Waste)	IISCO Extrusions Inc. 93 Werner Road Greenville, PA 16125-9434	Mercer County Sugar Grove Township	Unnamed Tributary to Little Shenango River 20-A	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*

**PA0055697**, Sewage, **TAD Facilities Limited**, 628 Telegraph Road, Coatesville, PA 19320.

This existing facility is located in West Caln Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of a NPDES permit for an existing discharge of treated sewage from the Spring Run Estates sewage treatment plant.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan watershed 3H and is classified for: trout stocking fishery, aquatic life, water supply, and recreation.

The Christina River Basin Total Maximum Daily Load (TMDL) for nutrients and dissolved oxygen for low-flow conditions, issued by EPA in January 2001 and revised in October 2002, includes the discharge from this treatment plant. The parameters CBOD<sub>5</sub>, Ammonia, Dissolved Oxygen, Total Phosphorus, and Total Nitrogen are addressed in the TMDL.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.049 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	10.2		25		50
Total Suspended Solids	12.2		30		60
Ammonia as N					
(05-01 to 10-31)	0.62		1.5		3.0
(11-01 to 04-30)	1.86		4.5		9.0
Total Phosphorus as P	0.82		2.0		4.0
Fecal Coliform			200/100 ml (Geo Mean)		1,000/100 ml
Total Nitrogen	4.0		10		
Nitrate-Nitrate as N	Report		Report		
Total Kjeldahl Nitrogen	Report		Report		
Dissolved Oxygen			5.0 (min.)		
pH (STD Units)			6.0 (min.)		9.0

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

- A. Notification of Designation of Operator
- B. Abandon STP when Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Change in Ownership
- G. Proper Sludge Disposal
- H. Certified Operator
- I. I-Max
- J. 2/Month Sampling
- K. Laboratory Certification
- L. Fecal Coliform I-Max Reporting
- M. Total Nitrogen Compliance Schedule

**PA0243906**, Industrial Waste, SIC 3273, **Delaware Valley Concrete Company, Inc.**, 248 East County Line Road, Hatboro, PA 19040.

This facility is located in New Britain Borough, **Bucks County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge stormwater from the Delaware Valley Concrete Company's New Britain Batch Plant.

The receiving streams, an unnamed tributary to Neshaminy Creek (Outfall 001) and Cooks Run (Outfall 002), are in the State Water Plan watershed 2F and are classified for: trout stocking, warm water fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 28.5 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of an average stormwater event:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	
Total Suspended Solids			50	100	
pH (Std. Units)			6.0 min.		9.0
Oil and Grease			Monitor	Monitor	

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

1. BAT/ELG Reopener
2. Change in Ownership
3. Stormwater Requirements

**PA0051985**, Sewage, SIC 4952, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044



This facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from Park Creek STP.

The receiving stream, Park Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 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 <sub>5</sub> (05/01-10/31)	10	15		20
CBOD <sub>5</sub> (11/01-04/30)	20	30		40
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (05/01-10/31)	2.5			5.0
NH <sub>3</sub> -N (11-01-04/30)	4.0			8.0
Fecal Coliform (col/100 ml)	200			1,000*
pH (Std. Units)	6.0 min.			9.0
Dissolved Oxygen	5.0, min.			
Total Kjeldahl Nitrogen	Monitor			Monitor
(NO <sub>2</sub> +NO <sub>3</sub> )-N: (07/01-10/31)	8.5			17.0
(11/01-06/30)	Monitor			Monitor
Phosphorus as P: (Effective date thru Yr 1):				
(04/01-10/31)	2.0			4.0
(11/01-03/31)	Monitor			Monitor
(Yr 2 thru Expiration):				
(04/01-10/31)	0.9			1.8
(11/01-03/31)	1.8			3.6
Copper	Monitor			Monitor
Lead	Monitor			Monitor

\*Not to exceed 1,000 col/100 ml in greater than ten percent of the samples.

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

1. Notification of Designation of Responsible Operator
2. Definition of Average Weekly
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sanitary Sewers
5. Necessary Easements
6. Small Stream Discharge
7. Change in Ownership
8. Proper Sludge Handling
9. TMDL Data Submission
10. Operator Training
11. Whole Effluent Toxicity Testing with Renewal
12. Instantaneous Maximum Limitations
13. Operations and Maintenance Plan
14. Laboratory Certification
15. Fecal Coliform Reporting
16. Stormwater Requirements

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

**PA0013552**, Industrial Waste, SIC Code 3241, **Buzzi Unicem USA Mid Atlantic Inc.**, 501 Center Street, Stockertown, PA 18083. Facility Name: Hercules Cement Stockertown Plant Quarry. This existing facility is located in Stockertown Borough, **Northampton 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), Bushkill Creek, Shoeneck Creek and Unnamed Tributary to Bushkill Creek, is located in State Water Plan watershed 1-F and is classified for High Quality Waters—Cold Water Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report	report				
pH (S.U.)			6.0			9.0
Temperature Delta (Discharge—Intake) (° C)					3	
Oil and Grease				15.0		30.0
Total Suspended Solids				10.0	20.0	

The proposed effluent limits for Outfall 002. Stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report					
pH (S.U.)			6.0			9.0
Total Suspended Solids					50	
Oil and Grease				15.0		30.0

The proposed effluent limits for Outfall 003 Stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report					
pH (S.U.)			6.0			9.0
Total Suspended Solids					50	
Oil and Grease				15.0		30.0

The proposed effluent limits for Outfall 005. Stormwater

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report					
pH (S.U.)			6.0			9.0
Total Suspended Solids					50	
Oil and Grease				15.0		30.0

The proposed effluent limits for Outfall 006. Stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report					
pH (S.U.)			6.0			9.0
Total Suspended Solids					50	

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

- Stormwater

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

The EPA Waiver is in effect.

**PA0062821**, Industrial Waste, SIC Code 4941, **Schuylkill County Municipal Authority**, 221 S Centre Street, Pottsville, PA 17901-3506. Facility Name: Schuylkill County Municipal Authority Indian Run WTP. This existing facility is located in Branch Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste (filter backwash and other waste water).

The receiving stream(s), West Branch Schuylkill River, is located in State Water Plan watershed 3-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 0.187 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10
Total Iron	Report	Report	XXX	2.0	4.0	5.0
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

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

The EPA waiver is not in effect.

**PA0023736**, Sewage, SIC Code 4952, **Tri Borough Municipal Authority**, 83 Erie Blvd., Suite B, Susquehanna, PA 18847. Facility Name: Tri Borough Municipal Authority. This existing facility is located in Susquehanna Depot Borough, **Susquehanna County**.

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

The receiving stream(s), Susquehanna River is located in State Water Plan watershed 4E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report				
		Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	104	167	XXX	25	40	50
Total Suspended Solids	125	188	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000

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)		Minimum	Concentration (mg/l)	
	Monthly	Annual		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	9,132			
Net Total Phosphorus	Report	1,218			

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

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

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

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

- Combined Sewer Overflow

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

The EPA Waiver is not in effect.

**PA0061034**, Sewage, SIC Code 4952, **Abington Township Municipal Authority**, Lake Henry Drive, Waverly, PA 18471. Facility Name: Abington Township Municipal Authority Wastewater Treatment Facility. This existing facility is located in Abington Township, **Lackawanna County**.

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

The receiving stream(s), Unnamed Tributary to Ackerly Creek, is located in State Water Plan watershed 4-F 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 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</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	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	104	167	XXX	25	40	50
Total Suspended Solids	125	188	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	16.7	XXX	XXX	4.0	XXX	8.0
Ammonia-Nitrogen Nov 1 - Apr 30	50	XXX	XXX	12	XXX	24
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.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	9132			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1218			

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

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

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

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

- Chesapeake Bay Schedule
- Chesapeake Bay Nutrient Requirements

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

The EPA Waiver is not in effect.

**PA0060046**, Sewage, SIC Code 4952, **CAN DO, Inc.**, One South Church Street, Hazleton, PA 18201. Facility Name: Humboldt Industrial Park WWTP. This existing facility is located in Hazle Township, **Luzerne 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), Tomhicken Creek, is located in State Water Plan watershed 5-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.06	XXX	0.14
CBOD <sub>5</sub>	208	XXX	XXX	25	XXX	50
Total Suspended Solids	250	XXX	XXX	30	XXX	XXX
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	18.3	XXX	XXX	2.2	XXX	4.4
Ammonia-Nitrogen Nov 1 - Apr 30	55	XXX	XXX	6.6	XXX	13
Total Zinc (Interim)	Report	XXX	XXX	Report	Report	XXX
Total Zinc (Final)	1.42	XXX	XXX	0.170	0.266	0.340
Chlorodibromomethane (Interim)	XXX	XXX	XXX	Report	Report	XXX
Chlorodibromomethane (Final)	XXX	XXX	XXX	0.000823	0.00128	0.00164
Dichlorobromomethane (Interim)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (Final)	XXX	XXX	XXX	0.00113	0.00176	0.00226

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	18265			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	2435			

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

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

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

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

- Chesapeake Bay Schedule
- Chesapeake Bay Nutrient Requirements
- Toxics Reduction Evaluation (TRE)
- Whole Effluent Toxicity Testing (WETT)

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

The EPA Waiver is not in effect.

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

**Application No. PA 0024228**, Industrial Waste, SIC Code 2015, **BC Natural Chicken, LLC**, PO Box 70, Fredericksburg, Pennsylvania 17026.

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

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

The receiving stream, Beach Run, is in Watershed 7-D, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is the Philadelphia Water Company located on the Swatara Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 based on a design flow of 0.60 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	Report	Report	16	26	40
Total Suspended Solids	Report	Report	20	30	50
Ammonia Nitrogen as N					
(5/1 to 10/31)	7.5	15	1.5	3.0	3.75
(11/1 to 4/30)	22.5	45	4.0	8.0	10
Total Residual Chlorine	—	—	0.1	—	0.2
Total Phosphorus	10	20	2.0	4.0	5.0
Oil and Grease	Report	Report	8.0	14	20
Dissolved Oxygen	Minimum of 5.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric average value.				
(10/1 to 4/30)	400/100 ml as geometric average.				

**Chesapeake Bay/Elizabeth Run TMDL Requirements**

Parameters	Monthly	Annual
Total Suspended Solids	Report	Report
Total Phosphorus	Report	Report
TKN	Report	—
NO <sub>2</sub> +NO <sub>3</sub> -N	Report	—
Total Nitrogen	Report	Report
NH <sub>3</sub> -N	Report	Report

The proposed final effluent limits for Outfall 001 based on a design flow of 0.60 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	50	100	10	20	25
Total Suspended Solids	Report	Report	10	20	25
Ammonia Nitrogen as N					
(5/1 to 10/31)	7.5	15	1.5	3	3.75
(11/1 to 4/30)	20	40	4.0	8	11.25
Total Residual Chlorine	—	—	0.019	—	0.06
Total Phosphorus	2.5	5	0.5	1.0	1.25
Oil and Grease	Report	Report	8	14	20
Dissolved Oxygen	Minimum of 5.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric average value.				
(10/1 to 4/30)	400/100 ml as geometric average.				

## Chesapeake Bay/Elizabeth Run TMDL Requirements

Parameters	Mass (lbs)		Annual
	Monthly	Annual	
Total Suspended Solids	45,800	Report	Report
Total Phosphorus	766	Report	Report
TKN	Report	—	—
NO <sub>2</sub> +NO <sub>3</sub> -N	Report	—	—
Total Nitrogen	18,982	Report	Report
NH <sub>3</sub> -N	Report	Report	Report

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.

**PA0008303**, Industrial Waste, SIC Code 3312, **ArcelorMittal Steelton LLC**, 215 S Front Street, Steelton, PA 17113-2594. Facility Name: ArcelorMittal Steelton Steel Manufacturing Plant. This existing facility is located in Steelton Borough, **Dauphin 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), Susquehanna River, is located in State Water Plan watershed 7-C and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 19.7 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
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	105	XXX
Total Suspended Solids Effluent Net	XXX	XXX	XXX	30	60	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	75
Oil and Grease	XXX	XXX	XXX	Report	Report	25
Oil and Grease Effluent Net	XXX	XXX	XXX	10	15	XXX

The proposed effluent limits for Outfall 001, 003 through 006, 008, & 015 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	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 Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 6.7 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids Effluent Net	967	2,590	XXX	XXX	XXX	XXX
Total Suspended Solids	Report	Report	XXX	XXX	XXX	57
Oil and Grease	Report	Report	XXX	XXX	XXX	12.5
Oil and Grease Effluent Net	217	574	XXX	XXX	10	XXX

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 0.17 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report

<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>
Total Suspended Solids Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Lead Effluent Net	0.16	0.48	XXX	XXX	XXX	XXX
Total Lead	Report	Report	XXX	XXX	XXX	0.42
Total Zinc	Report	Report	XXX	XXX	XXX	0.64
Total Zinc Effluent Net	0.24	0.73	XXX	XXX	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>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	Report	XXX	XXX	Report
Total Suspended Solids Effluent Net	XXX	XXX	XXX	Report	Report	XXX
Total Lead Effluent Net	0.15	0.47	XXX	XXX	XXX	XXX
Total Lead	Report	Report	XXX	XXX	XXX	1.40
Total Zinc	Report	Report	XXX	XXX	XXX	2.12
Total Zinc Effluent Net	0.23	0.71	XXX	XXX	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 401 are:

<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>
Total Suspended Solids Intake	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease Intake	XXX	XXX	XXX	Report	Report	XXX
Total Lead Intake	XXX	XXX	XXX	Report	Report	XXX
Total Zinc Intake	XXX	XXX	XXX	Report	Report	XXX

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

- Requirements Applicable To Stormwater Outfalls
- Controlling Chemical Additives Usage Rates

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

The EPA Waiver is not in effect.

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

**PA0218791**, Industrial Waste, SIC, 4953, **U.S. Army Corps of Engineers—Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222.

This application is for renewal of an NPDES permit to discharge treated storm water from dredged material disposal site in Carroll Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is the Pennsylvania-American Water Company, located at Pittsburgh, 9.1 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.325 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instant. Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	60	
Total Dissolved Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Chromium			Monitor and Report		



Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instant. Maximum
Lead			Monitor and Report		
Zinc			Monitor and Report		
Aluminum			Monitor and Report		
Iron			3.5	7.0	
Manganese			2.0	4.0	
Benzene			Monitor and Report		
Ethylbenzene			Monitor and Report		
Toluene			Monitor and Report		
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 3.678 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instant. Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	60	
Total Dissolved Solids			Monitor and Report		
Oil and Grease			Monitor and Report		
Fluoride			Monitor and Report		
Sulfates			Monitor and Report		
Antimony			Monitor and Report		
Cadmium			Monitor and Report		
Chromium			Monitor and Report		
Copper			Monitor and Report		
Mercury			Monitor and Report		
Nickel			Monitor and Report		
Selenium			Monitor and Report		
Zinc			Monitor and Report		
Aluminum			Monitor and Report		
Iron			3.5	7.0	
Manganese			2.0	4.0	
Chloroform			Monitor and Report		
pH (S.U.)	not less than 6.0 nor greater than 9.0				

OTHER CONDITIONS:

The EPA waiver is in effect.

**PA0096211**, Sewage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from Darragh Sewage Treatment Plant in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 1.12 mgd., second draft.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD <sub>5</sub> Day				
May 1 to Oct 31	15	23		30
Nov 1 to Apr 30	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	6.0	9.0		12.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Cobalt (newly added)				

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instant. Maximum</i>
1st month—36th month	MONITOR AND REPORT			
37th month to expiration	0.026		0.052	

The EPA waiver is not in effect.

**PA0091634**, Sewage, **T. M. Nicholas, Inc.**, PO Box 2031, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from Rensselaerville Institute STP in North Union Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instant. Maximum</i>
CBOD <sub>5</sub> Day	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

OTHER CONDITIONS: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.07 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instant. Maximum</i>
CBOD <sub>5</sub> Day	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.6
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0026336**, Sewage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from Wickham Village STP in Hopewell Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Boggs Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Nova Chemicals, Beaver Valley Plant, on the Ohio River.

Outfall 010: existing discharge, design flow of 0.12 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instant. Maximum</i>
CBOD <sub>5</sub> Day	25	38		50
Suspended Solids	30	45		60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	3.0	4.5		6.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0021822**, Sewage, **The Municipal Authority of the Borough of Berlin**, 700 North Street, P. O. Box 115, Berlin, PA 15530-0115.

This application is for renewal of an NPDES permit to discharge treated sewage from Berlin Borough Sewage Treatment Plant in Berlin Borough, **Somerset County**.

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

*Outfall 001*: existing discharge, design flow of 0.8 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD <sub>5</sub> Day				
May 1 to Oct 31	15.0	22.5		30.0
Nov 1 to Apr 30	25.0	37.5		50.0
Suspended Solids	30.0	45.0		60.0
Ammonia Nitrogen				
May 1 to Oct 31	3.0	4.5		6.0
Nov 1 to Apr 30	7.5	11.3		15.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0002275**, Sewage, **Keystone Coal Mining Corp**, PO Box 219, Shelocta, PA 15774. Facility Name: Keystone Cleaning Plant. This existing facility is located in Plumcreek Township, **Armstrong 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), Unnamed Tributary of Crooked Creek, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0018 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.0018	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12.0

The EPA Waiver is in effect

**PA0216925**, Sewage, **Consolidation Coal Co.**, 1 Bridge Street, Monongah, WV 26554. Facility Name: Blacksville 2 Mine Kuhntown Portal. This existing facility is located in Wayne Township, **Greene 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), Unnamed Tributary to Hoovers Run, is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.014	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.11
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	3.5	XXX	7.0

The EPA Waiver is in effect.

**PA0216666**, Sewage, SIC Code 4952, **Cumberland Coal Resources LP**, 158 Portal Road, Waynesburg, PA 15370. Facility Name: Cumberland Coal Resources LP Prep Plant. This existing facility is located in Whiteley Township, **Greene 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), Whiteley Creek, is located in State Water Plan watershed 19-G 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 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.13	XXX	0.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0

The EPA Waiver is in effect.

**PA0203891**, Sewage, SIC Code 8249, **Western Area Career & Tech Center**, 688 Western Avenue, Canonsburg, PA 15317-1477. Facility Name: Western Area Vocational-Tech School STP. This existing facility is located in Chartiers Township, **Washington County**.

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

The receiving stream(s), Chartiers Run, is located in State Water Plan watershed 20-F 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 0.005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.005	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000

The EPA Waiver is in effect.

**PA0219428**, Sewage, **Mr. David R. VanKirk**, 7669 Big Beaver Boulevard, Wampum, PA 16157 Facility Name: VanKirk Single Residence STP. This existing facility is located in Big Beaver Borough, **Beaver County**.

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

The receiving stream(s), Unnamed Tributary of Beaver River, is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.0004	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml) May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000

The EPA Waiver is in effect.

**PA0020681**, Sewage, **Borough of Sewickley**, 601 Thorn Street, Sewickley, PA 15143-1855. Facility Name: Sewickley Borough STP. This existing facility is located in Sewickley Borough, **Allegheny 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), Unnamed Tributary to Ohio River, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.90 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)		Report				
	Report	Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	38	50
Total Suspended Solids	XXX	XXX	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	400
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000

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

Outfalls 002 through 005 serve as combined sewer overflows (CSOs) necessitated by storm water entering the system and Exceeding the hydraulic capacity of the sewers and or treatment plant and are permitted to discharge only for such reason.

The EPA Waiver is in effect.

**PA0216879**, Sewage, **Calandrellas Inc.**, RR 2 Box 320, Avonmore, PA 15618-9522. Facility Name: Calandrellas Inc. STP. This existing facility is located in Bell Township, **Westmoreland 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), Unnamed Tributary to Wolford Run, is located in State Water Plan watershed 18-B 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 0.0048 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.0048	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	3.5	XXX	7.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	10.5	XXX	21.0

The EPA Waiver is in effect.

**PA0097691**, Sewage, **Richard D. LeClair**, 7 KOA Road, Washington, PA 15301. Facility Name: Washington KOA Campground. This existing facility is located in South Strabane Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for High Quality Waters—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 0.01 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.01	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.3	XXX	3.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	XXX	XXX	XXX	6.0	XXX	12.0

The EPA Waiver is not in effect.

**PA0091898**, Sewage, **United Mobile Homes of PA, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728.

This application is for renewal of an NPDES permit to discharge treated sewage from Pine Valley Estates Mobile Home Park STP in Kiskiminetas Township, **Armstrong County**.

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

*Outfall 001*: existing discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen May 1 to Oct 31	2.0			4.0
Nov 1 to Apr 30	3.7			7.4
Fecal Coliform May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.03			0.06
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0222925**, Sewage, SIC Code 221320, **Kenneth E. White**, 2275 West Washington Street, Bradford, PA 16701. Facility Name: Kenneth E. White SFTF. This existing facility is located in Corydon Township, **McKean County**.

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

The receiving stream(s), an unnamed tributary to Willow Creek, is located in State Water Plan watershed—and is classified for high quality—cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

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**III. QM Industrial Waste and Sewerage Applications under The Clean Streams Law**


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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes Barre, PA 18701-1915*

**QPM Permit No. 5410408**, Sewerage, **Pine Grove Joint Treatment Authority**, 115 Mifflin Street, Pine Grove, PA 17963

This proposed facility is located in Pine Grove Twp., **Schuylkill County**, PA.

Description of Proposed Action/Activity: This project involves modifications at the Authority's former sewage treatment plant to utilize the aeration tanks to receive hauled in septage. From there it will be pumped to the main pump station at a controlled rate and then conveyed to the new sewage treatment plant.

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

**QPM Permit No. 6780402 10-1** Sewerage, **Dillsburg Area Authority**, 98 West Church Street, PO Box 370, Dillsburg, PA 17019.

This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Application for the Dillsburg Area Authority's WWTP Nutrient Removal Improvements project to comply with the Chesapeake Bay Standards making modifications to the existing aeration tanks and to upgrade the instrumentation and controls at the wastewater treatment facility located on Old Mill Road.

**QPM Permit No. 4473404 10-1**, Sewerage, **Borough of Lewistown**, 2 East Third Street, Lewistown, PA 17044-1799.

This proposed facility is located in Lewistown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Application for the Borough's WWTP Nutrient Reduction Upgrade Project.

**QPM Permit No. 6710201**, Industrial Waste, **P. H. Glatfelter Company**, Spring Grove Facility, 228 South Main Street, Spring Grove, PA 17362-0500.

This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the Installation / Operation of a residual waste liner system with associated piping, ground water drainage and other related work in the existing emergency basin on company property.

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


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


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


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

*Northampton Conservation District: 14 Gracedale Ave., Greystone Bldg., Nazareth, PA 18064-9211*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024810010	Edward Mertz 480 Nolf Rd. Nazareth, PA 18064	Northampton	Bushkill Township	UNT to Bushkill Creek (HQ-CWF, MF)

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

*Indiana County Conservation District, 625 Kolter Drive, Suite 8, Indiana, PA 15701-3571 (724-471-4751).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053210002	Bryan Force 1077 Route 119 Highway North Indiana, PA 15701	Indiana	East Mahoning Township	UNT Pickering Run HQ-CWF

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


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4



Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, PO Box 8476, Harrisburg, PA 17105-8476

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI101710001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311	Clearfield County	Goshen Township	UNT to Lick Run (HQ-CWF)

**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>
Richards Scattered Acres Farm George C. Richard 213 Richard Road Elysburg, PA 17824	Columbia	1,856.7	957.50	Swine Poultry	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

## SAFE DRINKING WATER

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

*Central Office: Bureau Director, Water Standards and Facility Regulation, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996581]**, Public Water Supply.

Applicant **[Drinkmore Water]**  
 [Township or Borough] [Gaithersburg, Maryland]  
 Responsible Official [Robert Perini, President]  
 Type of Facility [Out of State Bottled Water System]  
 Application Received Date [October 10, 2010]  
 Description of Action [Applicant requesting Department approval to sell bottled water in Pennsylvania under the brand name: Drinkmore Water.]

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

**Application No. 6610503**, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**  
 [Township or Borough] Noxen Township  
**Wyoming County**  
 Responsible Official Kirby Pack, Operations Director  
 United Water PA, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 Type of Facility Community Water System  
 Consulting Engineer Arthur C. Saunders, PE  
 United Water PA, Inc.  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 717-561-1103  
 Application Received Date October 20, 2010  
 Description of Action Application for permitting of an existing, unpermitted pump station.

**Application No. 1310501**, Public Water Supply.

Applicant **Tuthill Corp. dba Blue Mt. Ski Area**  
 [Township or Borough] Lower Towamensing Township  
**Carbon County**  
 Responsible Official Barbara Green, President  
 P. O. Box 216  
 Palmerton, PA 18071-0216  
 Type of Facility Community Water System  
 Consulting Engineer Douglas P. Hunsinger, PE  
 Keystone Consulting Engineers, Inc.  
 2870 Emrick Boulevard  
 Bethlehem, PA 18020  
 610-865-4555  
 Application Received Date October 22, 2010

Description of Action Application for addition of disinfection at the Blue Mountain Ski Area non-transient, non-community water system.

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

**Application No. 6210502**, Public Water Supply

Applicant **Pine Grove Township Municipal Authority**  
 Township or Borough Pine Grove Township/**Warren County**  
 Responsible Official James Schrecongost, Chairman  
 Consulting Engineer Kathryn M. Gibbs, PE  
 Northwest Engineering, Inc.  
 PO Box Q  
 Tidioute PA 16351  
 Application Received Date 10/27/2010  
 Description of Action Pipe volume increase to meet 4-log Inactivation.

**MINOR AMENDMENT**

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

**Application No. 4810517MA**

Applicant **Bethlehem Authority**  
 [Township or Borough] Fountain Hill Borough  
**Lehigh County**  
 Responsible Official Steve Repasch, Executive Director  
 Bethlehem Authority  
 10 East Church Street  
 RM B311  
 Bethlehem, PA 18018  
 610-865-7090  
 Type of Facility Community Water System  
 Consulting Engineer Thomas A. Laustsen, PE  
 Camp Dresser & McKee Inc.  
 Raritan Plaza I  
 Raritan Center  
 Edison, NJ 08818  
 Application Received Date October 13, 2010  
 Description of Action Application for replacing the liner and cover of the existing 12 MG water supply reservoir located in Salisbury Township and the Borough of Fountain Hill.

**Application No. 4510505MA**, Minor Amendment.

Applicant **Buck Hill Falls Water Company**  
 PO Box 426  
 Buck Hill Falls, Pa 18323  
 [Township or Borough] Barrett Twp., **Monroe County**  
 Responsible Official Michael O'Shea, President  
 Type of Facility Public Water System

Consulting Engineer     Brick T. Linder P.E.  
                                  Linder Engineering, Inc.  
                                  RD1 Box 408D  
                                  Skytop Rd  
                                  Canadensis, Pa

Application Received     10/12/10  
 Date

Description of Action     The replacement of a floating  
                                  cover on the existing .66 MG  
                                  finished water reservoir.

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

### Notice of Prompt Interim Response Plumstead Fire HSCA Site Plumstead Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), has initiated a prompt interim response at the Plumstead Fire HSCA Site, Plumstead Township, Bucks County, Pennsylvania.

The Plumstead Fire Site is located northeast of the intersection of Easton Road (Rt 611) and Stump Road in Plumstead Township Bucks County. On June 29, 2010 a building caught on fire at 5189 Stump Road, Pipersville, PA. An alternate address for the property is 5189 Stump Road, Plumsteadville, PA ("Site").

As a result of the fire and firefighting activities, in the course of which large quantities of water were sprayed on the fire, various chemical constituents that were stored on the property were released with the firefighting water runoff.

Inspections by the Department at the time of the fire and in subsequent visits revealed that contaminated runoff from the fire fighting activities flowed into one of the adjacent ponds and, from that pond into the second adjacent pond, via a connecting culvert. When the water level in the second pond reached an overflow pipe, the water entered a previously dry swale and flowed into nearby fields, where it was observed seeping into the ground. In August soil samples collected from the edge of the ponds revealed elevated levels of Antimony. In September samples collected from the sediment on the bottom of the pond revealed elevated concentrations of Benzene, Benzoic Acid, Antimony, Sodium, and Manganese.

Following the fire, the Bucks County Department of Health visited the homes of the residents and observed that the appearance and odor of the water from their wells were similar to the appearance and odor of water in the ponds. Samples were collected from these wells on various occasions between July and October. In several residential homes, the results revealed elevated levels of Benzene, Benzoic Acid, Antimony, Sodium, and Manganese. The wells serving many of these homes are considered shallow; they are less than 90 feet deep.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department initiated a prompt interim response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). In August 2010, a tanker truck was provided to 11 homes as a whole house water source. In addition, the Department

has initiated the installation of deeper wells and/or treatment systems to address the contaminated water supplies and has initiated the draining and excavation of the ponds. The Department has determined that these actions are protective of human health and the environment, comply with Applicable, Relevant and Appropriate Requirements (ARARs) and are feasible and cost-effective. Other possible alternatives with regard to the contaminated water supplies included no action, continued use of the tanker trucks, treatment only, and the installation of a waterline. The only alternative to draining and excavation of the ponds was no action.

An Administrative Record, which contains more detailed information concerning this prompt interim response action, is available for public inspection. The Administrative Record may be examined from 8:00 am until 4:00 pm at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact the Bonnie McClennen at (484) 250-5965 or William Blasberg at (484) 250-5865 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Plumstead Township Municipal Building at 5186 Stump Road, Plumsteadville, PA 18949.

Pursuant to Sections 505(b) and 506(d) of HSCA, 35 P. S. §§ 6020.505(b) and 6020.506(d), the Department will conduct a public hearing on December 14th, 2010 at 7:00 pm at the Plumstead Township Municipal Building located at 5186 Stump Road, Plumsteadville, PA 18949. Anyone who would like to present formal oral comments regarding this proposed response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Deborah Fries (484) 250-5808.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Deborah Fries at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's Prompt Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business January 14, 2010. Written comments should be addressed to Bonnie McClennen, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Bonnie McClennen at (484) 250-5965.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An

acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Mount Joy Country Homes**, Mount Joy Borough, **Lancaster County**. SSM Group, PO Box 6307, Reading, PA 19610, on behalf of Messiah Village, 100 Mount Allen Drive, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with historical ash fill containing lead and arsenic. The site, which will be remediated to a combination of Residential Statewide Health and Site-Specific standards, will be an assisted living facility.

**Mann Edge Terrace**, Lewistown Borough, **Mifflin County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 and Blackrock Environmental, LLC, PO Box 288, Nazareth, PA 18064 on behalf of Mifflin County Industrial Development Corporation, 6395 State

Route 103 North, Lewistown, PA 17044, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead and mercury. The site will be remediated to the Site-Specific standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Former Scarpino / Patterson Ave Site**, City of Duquesne, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne PA 15110 on behalf of the Redevelopment Authority of Allegheny County, 425 Sixth Street, Suite 800, Pittsburgh, PA 15217 and West to West Coalition, 22 South Linden Street, Duquesne, PA 15110 has submitted a Notice of Intent to Remediate. The site is a former retail gasoline station. Constituents of concern are benzene, ethyl benzene, and lead. A site specific standard is being sought. The NIR was published in the *Daily News*.

**Rockwood Manufacturing Company**, Rockwood Borough, **Somerset County**. Cardinal Resources, LLC, 1505 East Carson Street, Pittsburgh, PA 15203 on behalf of Rockwood Manufacturing Company, 300 Main Street, Rockwood, PA 15557-1023 has submitted a Notice of Intent to Remediate. Rockwood manufacturing has been producing architectural hardware for doors in commercial buildings since 1946. The site has historically used tetrachloroethene and lacquers that may have resulted in discharge to the subsurface. Additionally, three USTs onsite were previously closed. Soil and groundwater characterization indicate that a statewide health standard will be attained.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit Application No. 101463. BFI Transfer Systems of Pennsylvania, LLC**, 2904 South Christopher Columbus Blvd., Philadelphia, PA 19148. This minor permit modification application to conducting the transfer of single stream recyclable (SSR) materials in a portion of the municipal solid waste (MSW) transfer building at the TRC Transfer Station Facility located at 2904 South Christopher Columbus Avenue, in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on October 12, 2010.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID No. 100419. Veolia ES Chestnut Valley Landfill, Inc.**, 1184 McClellandtown Road, McClellandtown, PA 15458. Veolia ES Chestnut Valley Landfill, Inc., 1184 McClellandtown Road, McClellandtown, PA 15458. Application for a revised closure plan for a municipal waste landfill in German Township, **Fayette County** was received in the Regional Office on October 29, 2010.

## 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 and 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*

**03-00025: P. J. Greco & Sons** (593 Tarrtown Road, Kittanning, PA 16201) for installation of scrap processing facility in Kittanning Township, **Armstrong County**.

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

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

**25-029C: Erie Coke Corp.** (925 East Bay Drive, Erie, PA 16507) for construction of a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks in the City of Erie, **Erie County**.

**42-172B: Hexion Specialty Chemicals, Inc.** (253 Borden Drive, Mt. Jewett, PA 16740) for introduction of a new operating scenario and installation of a tank in **McKean County**. This plan approval is not for the addition of new emissions sources to the facility, but will allow the capability of the use of an alternate operating scenario.

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

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*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*

**01-05037A: EnergyWorks BioPower, LLC** (71 Old Mill Bottom Road, North Suite 101, Annapolis, MD 21409) for construction of an energy and nutrient recovery facility in Tyrone Township, **Adams County**.

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

Plan Approval 01-05037A is for the construction and temporary operation of an Energy & Nutrient Recovery Facility that is controlled by an electrostatic precipitator. The construction of the facility is intended to reduce the land application of ELM, to obtain nutrient recovery credits and to generate electric power for sale to the grid.

The facility is a minor facility and the proposal is subject to only the recordkeeping requirements in 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The plan approval will contain restrictions that are designed to control emissions consistent with best available technology pursuant to 25 Pa. Code, Section 127.1. The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Potential annual emissions from the proposed project are estimated to be 0.8 tons of Carbon Monoxide (CO), 39.4 tons of Nitrogen Oxides (NO<sub>x</sub>), 3.4 tons of Particulate Matter (PM), 26.3 tons of Sulfur Dioxide (SO<sub>2</sub>) and 5.6 tons of Volatile Organic Compounds (VOCs). Along with the proposed project the plan approval contains operating limits of less than 25 tons per year for all

Hazardous Air Pollutants (HAPs), and less than 10 tons per year for any individual HAP.

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 *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Daniel C. Husted, PE 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.

**67-05092G: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17406) for installation of replacement roaster drums and burners, cooling trays and catalytic oxidizer burners on the No. 1 coffee bean roaster train 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 above mentioned company for the above mentioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 67-05092G authorizes the installation of replacement roasting drums, roaster burners, cooling trays and catalytic oxidizer burners on the No. 1 coffee bean roaster train. The installations will standardize the individual capacity of the plant's roaster trains and will not significantly impact plant emissions. 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 *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

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

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.

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

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

**19-00028A: White Pines Corp.** (2650 Audubon Road, Audubon PA 19403-2406) for construction of leachate pre-treatment plant which includes an ammonia stripper in **Columbia County**. Other sources associated with the leachate pre-treatment plant include three (3) clarifiers, equalization tanks, and an indirect fired heat exchanger to maintain leachate temperature during below average temperature months. The leachate pre-treatment plant will reduce ammonia levels of the landfill's wastewater prior to discharge to the Millville POTW. The contract between White Pines and Millville may be revised to reduce the maximum TKN level (250 mg/L) of the wastewater in the landfill's wastewater discharged into the forcemain. The main air contaminant source proposed in the application is an ammonia stripper rated at 30 gallons per minute.

The Department of Environmental Protection's (Department) review of the information submitted by White Pines Corporation indicates that the air contamination sources to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources including the best available technology requirements of 25 Pa. Code Section 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction described in the previous paragraph.

The ammonia emissions (PTEs) from the ammonia stripper will be required to not exceed 7.5 pounds per hour and 30 tons in any 12 consecutive month period. During normal operation, the ammonia stripper will process approximately 7 million gallons (MMgallons) in a year. To demonstrate compliance with the ammonia emissions limitations from the stripper, White Pines Corporation will be required to conduct EPA reference method testing on the stripper's exhaust for ammonia emissions. Testing will measure the average emissions rate over at least three (3), 1-hour periods to assure the rates do not exceed the 7.5 pounds per hour.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 19-00028A to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12.

A requirement to limit the emission of malodors to level undetectable outside the property.

A requirement to limit no fugitive emissions from the pre-treatment plant

Monitoring requirement to take samples of the inlet and outlet leachate to estimate the amount of ammonia released to the atmosphere on monthly basis.

Monitoring requirements of the flow of leachate and stripper exhaust to estimate the hourly rate of leachate released into the atmosphere.

Recordkeeping requirements for the estimated amounts of ammonia released into the atmosphere

Reporting requirements to submit the 12 consecutive month total ammonia emissions from the stripper for each month in the reporting period

Work practice requirements to construct and operate in accordance with the manufacturer's recommendations and good air pollution control practices.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing shall be directed to Muhammad Q. Zaman, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512 within 30 days of the publication date for this notice.

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

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

**26-00588: Laurel Mountain Midstream Operating, LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) for installation and initial temporary operation of three (3) new natural gas-fired compressor engines rated at 1380 bhp each and a new natural gas-fired turbine rated at 16,847 bhp at the Shamrock Compressor Station in German Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44—46, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-26-00588 to allow the installation and initial temporary operation of three new natural gas-fired compressor engines rated at 1380 bhp each and a new natural gas-fired turbine rated at 16,847 bhp at the Shamrock Compressor Station located in German Township, Fayette County. Three existing natural gas-fired compressor engines rated at 1380 bhp each, one dehydrator (including reboiler) rated for 200 mmscf/day of natural gas, and one condensate tank with a capacity of 467 bbl have previously been authorized for installation under GP5-26-00588A and will be incorporated into this plan approval for a total of six engines, one turbine, one dehydrator, and one condensate tank.

Potential emissions from the facility are estimated to be 73.84 tons of nitrogen oxides (NO<sub>x</sub>), 54.30 tons of carbon monoxide (CO), 19.33 tons of volatile organic compounds (VOC), 7.66 tons of formaldehyde, and 7.75 tons of hazardous air pollutants (HAP) per year. The plan approval will include federally enforceable emission limits on the turbine and engines for NO<sub>x</sub>, CO, VOC, and formaldehyde. Best available technology (BAT) for the proposed sources is combusting natural gas, use of SoLoNO<sub>x</sub> turbine combustors, ultra lean burn combustion

for each engine, good combustion practices including the use of air to fuel ratio controllers, use of oxidation catalysts on each engine, and proper maintenance and operation. The authorization is subject to State regulations, Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts JJJJ and KKKK for spark ignition internal combustion engines and stationary combustion turbines, and Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) including 40 CFR Part 63 Subpart HH for oil and natural gas production facilities. Federal requirements for Mandatory Greenhouse Gas Reporting from 40 CFR Part 98 have also been included in this Plan Approval. Compliance with emission limitations will be demonstrated through stack testing. Plan Approval has been conditioned to ensure compliance with all applicable rules. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (PA-26-00588).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Alan Binder at 412-442-4168.

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

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

**42-028A: Saint-Gobain** (1 Glass Place, Port Allegany, PA 16743-1611) for increased pull rate for Furnace No. 3 through increased electric boost and natural gas usage and installation of NO<sub>x</sub> and SO<sub>x</sub> CEMS, and a COMS on Furnace No. 3 in Port Allegany Borough, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue an air quality plan approval for the container glass manufacturing facility in Port Allegany Borough, McKean County. This Plan Approval includes the installation of a third transformer to increase the electric boost on Furnace No. 3 from 2,000 KVA to 3,200 KVA. With the increased electric boost, the short term production will increase to a average 13.3 tons of glass pulled per hour (11,508 ton/yr). A NO<sub>x</sub> and SO<sub>x</sub> CEMS, and a COMS will be installed on the exhaust from Furnace No. 3. This is a Title V facility, Permit #42-00028.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

The total future potential emissions from Furnace No. 3 are as follows:

Total Particulate Matter (PM) 58.25 tons per year.

Filterable Particulate Matter < 10 $\mu$  (PM10) 58.25 tons per year.

Filterable Particulate Matter < 2.5 $\mu$  (PM2.5) 58.25 tons per year.

Sulfur Dioxide (SO<sub>2</sub>) 145.64 tons per year.

Nitrous Oxides (NOx) 233.02 tons per year.

This plan approval is potentially subject to Regulations: the following Federal and State

40 CFR Parts 51 and 52: Prevention of Significant Deterioration (PSD) and 25 Pa. Code, Subchapter E Nonattainment New Source Review (NNSR). This project does not result in either a significant emission increase or a significant net emission increase. Therefore, neither 40 CFR Parts 51 and 52 PSD or 25 Pa. Code, Subchapters D and E for PSD and NNSR, respectively, apply.

40 CFR Part 60, Subpart CC: Standards of Performance for Glass Manufacturing Plants. This facility is subject to 40 CFR Part 60, Subpart CC: Standards of Performance for Glass Manufacturing Plants. The Consent Decree lists Port Allegany's Furnace No. 3 as an affected source and subject to 40 CFR Part 60, Subpart CC effective 180 days after installation and certification of the COMS.

25 Pa. Code § 127.12(a)(5) Since the electric boost and increased production project does not meet the definition of a new source as per 25 Pa. Code § 121.1, this project is not subject to Best Available Technology (BAT) analysis. Per 25 Pa. Code § 127.11, a Plan Approval is required to allow the modification of an air contamination source.

40 CFR 64.5(a)(2) CAM. Furnace No. 3 is not equipped with a control device. Therefore, CAM is not applicable to the proposed project.

25 Pa. Code § 123.13. The proposed modification to Furnace No. 3 is subject to Chapter 123.13 Particulate Matter Emissions-Processes. However, 40 CFR 60, Subpart CC particulate limits are more stringent and as such will apply.

25 Pa. Code § 123.21 The proposed modification to Furnace No. 3 is subject to Chapter 123.21-Sulfur Compound Emissions.

25 Pa. Code § 123.41. The proposed modification to Furnace No. 1 is subject to Chapter 123.41-Visible Emission Limitations.

40 CFR 63, Subpart SSSSSS. National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources. MACT Regulations were published December 26, 2007. Furnace No. 3 is currently subject to the emission standards of 40 CFR, Subpart SSSSSS because the raw material used in this furnace contains a listed metal HAP.

25 Pa. Code § 127.92-RACT. The Department issued a revised RACT approval on March 31, 1999, to the original RACT approval issued July 7, 1995, to Ball-Foster Glass Container Co., the previous owner of the Port Allegany glass plant, now owned by SGCI. The existing RACT conditions applicable to Furnace No. 3 will be incorporated into this Plan Approval. The NOx RACT limit was decreased from 6.0 lb/ton to 4.0 lb/ton, based on a 3-hour average determined during an annual stack test.

Global Consent Decree, between US EPA, PA DEP & SGCI Port Allegany Plant. Furnace No. 3 is subject to the

emission limits and conditions specified in the Consent Decree effective May 7, 2010.

The Plan Approval will include conditions monitoring, record keeping, reporting, work that require performance testing, practice standards, and additional requirements for Furnace No. 3 designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's used in the evaluation of the application are analysis and other documents available for public review during normal business hours at:

Department of Environmental Protection  
Air Quality Program  
230 Chestnut Street  
Meadville, PA 16335.

Any person(s) wishing to provide the Department 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. The Department will consider any written comments received within 30 days of the publication of this notice.

Each written comment must contain the following:

- i. Name, address and telephone number of the person submitting the comments.
- ii. Identification of the proposed permit No. 42-028A.
- iii. 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 newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to:

New Source Review Section, Air Quality Program  
Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335  
Phone: 814-332-6940

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by calling 814-332-6940, or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**AMS 10180: Sunoco. Inc.** (3144 Passuynk Avenue, Philadelphia, PA 19145) to establish enforceable NOx limits at the Unit 210 H-201 heater. The Nitrogen Oxide (NOx) emissions will be limited to 0.030 lb/MMBTU on a rolling 365-day basis and 31.8 tons per year on a rolling 365-day basis. The heater will also be subject to a total heat input of 242 MMBTU/hr (HHV) average on rolling 365-day basis. The facility is required to maintain continuous emission monitor (CEM) to monitored and recorded NOx emissions from the heater. The permit will contain additional operating, monitoring, and recordkeep-



ing requirements to ensure that the Unit 210 H201 heater operates 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.

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

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

**41-00018: Springs Window Fashions, LLC** (8601 State Route 405, Montgomery, PA 17750-9671) for renewal of the Title V Operating Permit for their facility in Clinton Township, **Lycoming County**. The facility's sources include seven (7) metal coil coating lines controlled by a catalytic oxidizer, thirty-one (31) natural gas combustion units, one (1) paint reservoir flushing operation and one (1) clean up operation, which have the potential to emit major quantities of volatile organic compounds (VOCs). The facility has the potential to emit nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (SOx), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM10) below the major emission thresholds. The seven (7) metal coating lines are subject to Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 for VOC emissions. The proposed renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**03-00180: Dominion Resources Services, Inc.** (1875 Grange Road, Charleroi, PA 15022) for Natural Gas Transmission & Distribution at South Bend Station in South Bend Township, **Armstrong County**. This is a Title V renewal submittal.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**20-00194: Lord Corp.** (601 South Street, Saegertown, PA 16433) for re-issuance of a Title V Permit to operate an adhesive and coating manufacturing facility in Saegertown Borough, **Crawford County**. The facility's major emission sources include material preparation, milling, grinding, mixing, and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit VOCs.

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

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

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

**23-00096: County of Delaware—George W. Hill Correctional Facility** (500 Cheyney Road, Thornton, PA 19373) for the renewal permit to operate six (6) emergency generators and various small hot water heaters at the correctional facility in Concord Township, **Delaware**

**County**. The renewal permit is for a non-Title V (State Only) facility. The facility caps Nitrogen Oxide (NOx) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. There are no new sources at the facility and there are no new state or federal regulations applicable to the facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**45-00004: Tobyhanna Army Depot** (11 HAP Arnold Blvd, Tobyhanna, PA 18466-5086) for material preparation and spray coating of manufactured parts in Coolbaugh Township, **Monroe County**. This is an initial State-Only Operating Permit which replaces the current Title V Operating Permit.

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

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

**49-00048: Blank Funeral Home** (395 State Street, Sunbury, PA 17801) for their facility in Upper Augusta, **Northumberland County**. The facility's main sources include one (1) natural gas-fired cremator incinerator. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**19-00008: Bloomsburg Hospital** (549 East Fair Street, Bloomsburg, PA 17815-1419) for operation of the air contamination sources at their hospital in the Town of Bloomsburg, **Columbia County**. The facility's main sources are a number of small natural gas/No. 2 fuel oil fired boilers and emergency generators. This facility has the potential to emit sulfur oxides, (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM10) below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**59-00014: Wellsboro Small Animal Hospital** (152 Tioga Street, Wellsboro, PA 16901) for their facility in Richmond, **Tioga County**. The facility's main sources include one (1) natural gas-fired animal incinerator. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**55-00014: Bingaman & Son Lumber** (PO Box 247, Kreamer, PA 17833-0247) for operation of their facility in Middlecreek Township, **Snyder County**. The facility's main sources are two (2) 16.2 MMBTU/hr wood fired boilers and numerous woodworking operations consisting of saws, hogs and planers. This facility has the potential to emit sulfur oxides, (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM10) below the major emission thresholds. The proposed operating permit con-

tains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**60-00019: Playworld Systems, Inc.** (1000 Buffalo Road, Lewisburg, PA 17837) for Playworld Systems, Inc. in Buffalo Township, **Union County**. The facility's main sources include one (1) natural gas-fired boiler, ten (10) small natural gas-fired combustion units, two (2) wash lines, one (1) pre-heat oven, one (1) powder coating line, one (1) wet spray booth and one (1) touch-up booth. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SOx) below the major emission thresholds. The proposed operating permit contains all requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**49-00015: International Paper Co.** (1008 Locust Gap Highway, Mt. Carmel, PA 17851) for issuance of a state only operating permit for their facility in Mt. Carmel Township, **Northumberland County**. The facility's sources include two boilers, four flexographic printing presses and folder/glueers, three rotary die cutters, a paper hogger, an emergency generator, a starch silo and a batch filter press. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00017: Gulf Oil, L.P.** (100 Crossing Boulevard, Framingham, MA 01702-5401) for issuance of a State-only (synthetic minor) operating permit for operation of their South Williamsport Terminal facility in Armstrong Township, **Lycoming County**. The facility incorporates one 0.10 MMBtu/hr natural #2 fuel-oil-fired boiler, seven petroleum (gasoline/kerosene/diesel fuel) storage tanks, three additive tanks, one gasoline and one diesel loading operations and numerous pumps, valves and flanges. The facility has the potential to emit up to 0.017 tons of PM/PM10, 11.082 tons of HAPs, 0.007 tons of SOx, 0.024 tons of NOx, 49.73 tons of VOCs, and 0.066 tons of CO per year. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**18-00014: Jersey Shore Steel Co.** (PO Box 5055, Jersey Shore, PA 17740) for issuance of a state only operating permit for their facility in Pine Creek Township, **Clinton County**. The facility's sources include a steel reheat furnace, three scarfing booths, four small parts washers, seven gasoline-fired welders and pumps and a blacksmith furnace. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00027: Melick Aquafeeds, Inc.** (75 Orchard Drive, Catawissa, PA 17820) for their Catawissa Fish Food Plant in the Borough of Catawissa, **Columbia County**. The facility has the following air contaminant sources; product dryer, truck unloading operations, feed batch preparation area, hammermill, pellet mill, pellet cooler, screen graders, extruder, and pneumatic conveyance system. The combined potential particulate matter, nitrogen oxides, volatile organic compounds, sulfur oxides, carbon monoxide, and hazardous air pollutants (HAP) emissions from

all sources at the facility for are less than the respective major thresholds. Proposed State Only Operating Permit 19-00027 contains monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**18-00023: Hanson Aggregates (PA) Inc.** (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040) for their Salona quarry in Lamar Township, **Clinton County**. The facility's main sources include a primary crusher, secondary crusher, tertiary crusher, and associated various material sizing and conveying equipment. These sources have the potential to emit particulate matter (PM10) below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**18-00012: Lock Haven University** (301 West Church Street, Lock Haven, PA 17745-2343) for operation of the air contamination sources at their campus in Lock Haven City, **Clinton County**. The facility's main sources a number of natural gas/#2 fuel oil fired boiler emergency generators. By taking a 2,000,000 gallon per year limit on the amount of #2 fuel oil used at their facility, it has the potential to emit sulfur oxides, (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM10) below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**41-00061: Hanson Aggregates (PA) Inc.** (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040) for their Montoursville plant in Fairfield Township, **Lycoming County**. The facility's main sources include various pieces of crushing, screening and conveying equipment. These sources have the potential to emit particulate matter (PM10), VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**14-00008: Bolton Metal Products Co.** (2022 Axemann Road, Bellefonte, PA 16823) for issuance of a state only operating permit for their facility in Spring Township, **Centre County**. The facility's sources include a low melt alloy buzzer scrap furnace. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00023: Impress USA, Inc.** (6670 Low Street, Bloomsburg, PA 17815) for a State Only operating permit for their Bloomsburg facility in South Centre Township, **Columbia County**. The facilities sources includes five (5) parts washers, six (6) EZO End production lines, three (3) three-piece can assembly lines, one (1) can end sealing line, eleven (11) VideoJet printing systems, one (1) electro coating process, one (1) sterno line, and one (1) end score repair line. This facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), sulfur oxides (SOx), carbon monoxide (CO), volatile organic compounds (VOCs) and volatile hazardous air pollutants (VHAPs) below the major emission thresholds. The proposed operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping, and report conditions.

**14-00038: Valley Enterprise Containers, LLC** (PO Box 230, Blanchard, PA 16826) for issuance of a State-

only (Natural Minor) operating permit for operation of their facility in Liberty Township, **Centre County**. The facility incorporates seven combustion units with a combined maximum heat input rating of 1.32 MMBtu/hr, two diesel-fired engines (one rated 277 bhp and the other 325 bhp) authorized under GP9-14-01 and GP9-14-01A respectively, and one metal waste container surface coating operation authorized under Plan Approval 14-318-002. The facility has the potential to emit up to 13.26 tons of PM/PM10, 2.39 tons of HAPs, 2.57 tons of SO<sub>x</sub>, 13.66 tons of NO<sub>x</sub>, 19.36 tons of VOCs, and 7.90 tons of CO per year. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00007: Sensus USA, Inc.** (805 Liberty Boulevard, DuBois, PA 15801) for issuance of their state only operating permit for their facility in DuBois, **Clearfield County**. The facility's sources include two boilers, three manual spray booths, two automated spray booths and associated steam convection dryer, a vinyl application operation, an ink marking operation, three diaphragm drying/curing ovens, an adhesive application operation, an adhesive cleanup operation, a shellac application operation, a burnoff oven, two parts cleaners and an emergency generator. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00065: Clearfield Area School District** (438 River Road, Clearfield, PA 16830) for renewal of a State-only (Natural Minor) operating permit for operation of their Clearfield Middle School facility in Lawrence Township, **Clearfield County**. The facility incorporates one 10 MMBtu/hr wood-fired Johnston model WHX-71X212-1X155 boiler (Source ID 031) incorporating a Challenger model CCUE410-5 burner controlled by an Aircon model T 2/1 single-stage cyclone collector currently under Plan Approval 17-302-024. The facility has the potential to emit up to 9.86 tons of PM/PM10, insignificant quantity of HAPs, 0.07 tons of SO<sub>x</sub>, 5.98 tons of NO<sub>x</sub>, 0.13 tons of VOCs, and 5.39 tons of CO per year. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00003: Susquehanna University** (514 University Avenue, Selinsgrove, PA 17870-1164) for their facility in Selinsgrove Borough, **Snyder County**. The facility's main sources include two bituminous coal-fired boilers, one natural gas/No. #2 fuel oil-fired boiler, eighty-three (83) natural gas-fired small combustion units, ten (10) #2 fuel oil-fired small combustion units, eight natural gas-fired emergency generators, one propane-fired emergency generator, two diesel fuel oil-fired emergency generators and two parts cleaning stations. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOC), and combined and individual hazardous air pollutants (HAP) emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the sulfur oxides (SO<sub>x</sub>) emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**49-00063: Sensenig Milling Services, Inc.** (10705 State Route 44, Watsonstown, PA 17777) for issuance of a state only operating permit for their facility in Lewis Township, **Northumberland County**. The facility's source includes a rotary bakery waste dryer. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00037: King Coal Sales, Inc.** (PO Box 712, Philipsburg, PA 16866-0712) for renewal of a State-only (Natural Minor) operating permit for operation of their Cunard Tipple facility in Morris Township, **Clearfield County**. The facility incorporates one 400 tph Portec/Pioneer Kolberg model 2696-16 rotary coal breaker with a feed bin, reject conveyor, feed conveyor, and product conveyor (all incorporated in Source ID P101); one 150 bhp Detroit-Allison model 471 diesel fired generator (Source ID P102) to supply power to Source ID P101; and one EXTEC 5000 mobile screener (Source ID P103) powered by an 80 bhp diesel-fired engine under NMOP 17-00037. The facility has the potential to emit up to 26.68 tons of PM/PM10, < 1 ton of HAPs, 2.06 tons of SO<sub>x</sub>, 31.23 tons of NO<sub>x</sub>, 2.00 tons of VOCs, and 6.73 tons of CO per year. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit issuance contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**03-00173: Armstrong Terminal, Inc.** (PO Box 58, Woodland, PA 16881) for barge off-loading at the Schenley Terminal in Gilpin Township, **Armstrong County**. This is a renewal submittal.

**63-00643: Ametek, Inc.** (1085 Route 519, Eighty Four, PA 15330) for water atomization process at Speciality Metal Products Division in North Strabane Township, **Washington County**. This is a renewal submittal.

**63-00893: Master Woodcraft, Inc.** (100 Stationvue Lane, Washington, PA 15301) for operation of wood furniture manufacturing at Washington Plant in Chartiers Township, **Washington County**. This is a renewal submittal.

## 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 considered 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:

<i>Parameter</i>	<i>Table 1</i>		
	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> 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*

**32901602 and NPDES Permit # PA0214442, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the I-22 Tipple in Burrell Township, **Indiana County** to Rosebud Mining Company from AMFIRE Mining Company. No additional discharges. Application received: August 13, 2010.

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

**56100201. Alverda Enterprises Inc.**, P. O. Box 245, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface and coal refuse reprocessing mine in Conemaugh Township, **Somerset County**, affecting 11.8 acres. Receiving stream(s): Stonycreek River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2010.

**56090111 and NPDES No. PA0262871 and General Permit No. GP-12-56090111, PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Quemahoning and Somerset Townships, **Somerset County**, affecting 135.7 acres. Receiving stream(s): unnamed tributary to/and Wells Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2010.

**56080105 and NPDES No. PA0262633. Hoffman Mining, Inc.** 118 Runway Road, P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface mine to add 66.1 acres to the permit area, in Ogle and Paint Townships, **Somerset County**, affecting 221.5 acres. Receiving stream(s): Clear Shade Creek and unnamed tributaries to/and Shade Creek classified for the following use(s): high quality cold water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2010.

**32100102 and NPDES No. PA0263044. Britt Energies, Inc.**, P. O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Burrell Township, **Indiana County**, affecting 110.3 acres. Receiving stream(s): unnamed tributaries to/and Conemaugh River 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: July 7, 2010.

**56040101 and NPDES No. PA0249556. Future Industries Inc.**, P. O. Box 157, Meyers, PA 15552-0157, revision of an existing bituminous surface mine Black Township, **Somerset County**, affecting 52.0 acres. Receiving stream(s): Rhoads Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 16, 2010.

**56900105 and NPDES No. PA0598852. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 295.0 acres. Receiving stream(s): unnamed tributary to/and Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 27, 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.

**56950111 and NPDES No. PA0213225. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 458.4 acres. Receiving stream(s): unnamed tributaries to/and Shade Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received: October 8, 2010.

**32990101 and NPDES No. PA0235016. Walter L. Houser Coal Company, Inc.**, 12968 US Route 422, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 38.5 acres. Receiving stream(s): Sugar Camp Run to the South Branch Plum Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 25, 2010.

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

**04100101 and NPDES Permit No. PA0252026. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine, located in North Sewickley Township, **Fayette County**, affecting 102.2 acres. Receiving streams: Thompson Run and unnamed tributary to Beaver River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 22, 2010.

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

**17000103 and NPDES No. PA0242896. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal for reclamation only of an existing bituminous surface mine located in Jordan Township, **Clearfield County** affecting 78.2 acres. Receiving streams: Potts Run and an unnamed tributary to Potts Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2010.

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

**54763013R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal for reclamation

activities only of an anthracite surface mine operation in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres, receiving stream: none. Application received: October 21, 2010.

**54803004R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 214.0 acres, receiving stream: none. Application received: October 21, 2010.

**54803019R4. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 1313.0 acres, receiving stream: none. Application received: October 21, 2010.

**54803203R4 and NPDES Permit No. PA0123862. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 76.0 acres, receiving stream: East Branch Rausch Creek. Application received: October 21, 2010.

**54040103T. Hammond Mining Co., Inc.**, (9 Mulberry Lane, Pottsville, PA 17901), transfer of an existing anthracite surface mine and refuse disposal operation from Summit Anthracite, Inc. in Blythe and Schuylkill Townships, **Schuylkill County** affecting 785.0 acres, receiving stream: none. Application received: October 21, 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*

**29890301 K G Richards**, 810 Lincoln Way East, McConnellsburg, PA 17233, bond release on a large noncoal (industrial minerals) operation in Todd Township, **Fulton County**, affecting 14.0 acres. Receiving stream(s): Licking Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 24, 2010.

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

**16940308. County Environmental d/b/a County Environmental Services, Inc.** (c/o AW Niagara Landfill, 5600 Niagara Falls Blvd., Niagara Falls, NY 14304) Renewal of NPDES Permit No. PA0226939 in Farmington Township, **Clarion County** affecting 203.4 acres. Receiving streams: Unnamed tributary to Little Coon Run, unnamed tributary to Licking Creek, and unnamed tributary to Toby Creek, all classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 26, 2010.

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

**08100307. Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614). Commencement, operation and restoration of a large noncoal surface mine located in Springfield Township, **Bradford County** affecting 62.9 acres. Receiving streams: unnamed tributary 1 to Bently Creek classified for Warm Water Fishery.

There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2010.

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

**64900804. David Cookson**, (204 Sherwood Drive, Waymart, PA 18472), Stage I & II bond release of a quarry operation in Mt. Pleasant Township, **Wayne County** affecting 2.0 acres on property owned by Albert and Ginata Wildenstein. Application received: October 25, 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*

**E51-244- Pennsylvania Department of Transport, District 6;** 7000 Geerdes Blvd, Philadelphia City, **Philadelphia County.** ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities in the floodplain of Delaware River (WWF, MF) associated with reconstruction and widening of approximately 1.4 miles of I-95, and Ramp D, B, F, Wissinoming Street and New State Road:

1. To construct and maintain six outfall structures and associated rip-rap.
2. To construct and maintain temporary cofferdams associated with construction of the proposed outfalls.

The project site is a commences near Levick Street 700 feet north to a point north of Bleigh Avenue and ends approximately at 1.41 mile north on Interstate Route 95 (I-95) in the City and County of Philadelphia. (Frankford, PA USGS Quadrangle N: 3.92 inches; W: 3.32 inches)

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

**E54-346. Schuylkill County Conservation District,** 1201 AG Center Drive, Pottsville, PA 17901, in Cass Township, **Schuylkill County,** U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project along 350 feet of Dyer Run (CWF) and 2000 feet of West Branch Schuylkill River (CWF) for purpose of eliminating the loss of stream flow into the mine pool. The cross section consists of 2-inches of sand, a PVC impervious liner, 10 additional inches of sand, geotextile, and R-7 rock placed at a depth of 3-foot choked with R-4 rock, sand and existing streambed material. The project also includes two concrete cut-off walls, rock vanes and root wad structures.

The Dyer Run portion of the project and the first section of the West Branch Schuylkill River portion of the project are located near the confluence of the two streams (Minersville, PA Quadrangle Latitude: 40° 43' 10"; Longitude: -76° 15' 58") in Cass Township, Schuylkill County. The second section of the West Branch Schuylkill River portion of the project is located near the intersection of SR 4002 (Valley Road) and Greenbury Road in Cass Township, Schuylkill County (Minersville, PA Quadrangle, Latitude: 40° 43' 18"; Longitude: -76° 14' 51").

**E52-219. Thomas and Jennifer Charette,** P. O. Box 346, Matamoras, PA 18336, in Westfall Township, **Pike County,** U.S. Army Corps of Engineers, Philadelphia District.

To maintain driveway crossings of 0.106 acre of PFO wetlands for the purpose of access to a residential home. The project is located 0.60 mile east of Delaware Drive approximately 1.30 miles from its intersection with U.S. Route 0006 (Port Jervis North, PA Quadrangle, Latitude: 41° 23' 03" N; Longitude: -74° 43' 19" W).

**E45-557. David Wengerd,** HC Box 107A, Pocono Summit, PA 18346, in Tunkhannock Township, **Monroe County,** U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a sewer line crossing through approximately 13 feet of PFO wetlands (EV) for the purpose of constructing an on-lot septic system for a residential dwelling. The crossing consists of three 3-inch diameter PVC pipe sleeves encased in concrete. The project is located on Lot 7134 Country Court in Emerald Lakes Development. (Pocono Pines, PA Quadrangle, Latitude: 41° 4' 25.0"; Longitude: -75° 24' 56.2").

**E45-558. Manuel DaSilva,** 55 Brand Road, Tom River, NJ 08753, in Tobyhanna Township, **Monroe County,** U.S. Army Corps of Engineers, Philadelphia District.

To fill 0.07 acre of PFO wetlands for the purpose of constructing a single family dwelling. The project is located along Tanglewood Drive on Lot 22, Unit 4, Section 6 of Lake Naomi Subdivision (Pocono Pines, PA Quadrangle, Latitude: 41° 5' 22"; Longitude: 75° 23' 34").

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

**E14-538. Pennsylvania Department of Transportation, Engineering District 2-0,** 1924 Daisy Street Extension, Clearfield, PA 16830. SR 3011, Section A02 Bridge Replacement over Slab Cabin Run in College Township and State College Borough, **Centre County,** ACOE Baltimore District (State College, PA Quadrangle; Latitude: 40° 47' 27"; Longitude 77° 49' 56").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new two-span concrete spread box-beam bridge. The existing structure is a two-span concrete T-beam bridge with a total normal span of 50 ft, skew of 45°, and an average underclearance of 4.2 ft. The proposed structure will be constructed on approximately the same horizontal and vertical alignment as the existing structure. The proposed structure has a total normal span of 52 ft, skew of 45°, and an average underclearance of 4.2 ft. Additionally, approximately 230 ft Slab Cabin Run will be relocated with the bridge replacement. Slab Cabin Run currently curves and flows into the toe of the roadway embankment and along the roadway into the bridge structure. The proposed alignment will relocate Slab Cabin Run out into the existing floodplain and will include log structures for both aquatic habitat and stabilization. Slab Cabin Run is classified as a Cold Water Fishery. The project proposes de minimus permanently wetland impacts.

**WATER QUALITY CERTIFICATIONS REQUESTS**

The following requests have been made to the Department for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). There is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to comments, suggestions and objections which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department at the address indicated before the request for certification. 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 and suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between 8 a.m. and 4 p.m on each working day.

**Certification Request Initiated By:** Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

**Project Description/Location:** This project involves the discharge of supernatant from the Money Island confined disposal facility to the Delaware River. The project includes the deepening of the Fairless Turning Basin located at the Port of Bucks County, Falls township from the previously dredged depth of 37 feet plus 1 foot overdraft MLLW to 40 feet plus 1 foot overdraft MLLW. Approximately 150,000 cubic yards of sediment will be removed and placed in the Money Island dredge disposal area located in Falls Township, Bucks County. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuar.

*Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, telephone (484) 250-5970.*

**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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0091260 Sewage	Clifford B. Wareham 87 Kinter Station Road Northern Cambria, PA 15714	Indiana County Pine Township	UNT of Carney Run	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0002461 (Industrial Waste)	Dresser Inc. d/b/a Dresser Piping Specialties, Inc. 41 Fisher Avenue Bradford, PA 16701-1649	McKean County Bradford City	Tunungwant Creek 16-C	Y
PA0221783 (Sewage)	Tomcats, LLC 900 South Railroad Street P. O. Box 52 Penn, PA 15675-9998	Butler County Mercer Township	Unnamed Tributary to McDonald Run 20-C	Y
PA0223026 (Industrial Waste)	Saint Petersburg Borough Municipal Water Authority 144 Church Street P. O. Box 235 St. Petersburg, PA 16054-0235	Clarion County Richland Township	Unnamed Tributary of Clarion River 17-B	Y

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

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

**NPDES Permit No. PA0021792**, Sewage, **Edinboro Borough Municipal Authority**, 124 Meadville Street, Edinboro, PA 16412-2502.

This existing facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: Issuance for a renewal of an NPDES permit, for an existing discharge of treated sewage from a POTW. This is a major discharge.

### 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. WQG01011001**, Sewage, **Robert J. Niner**, 1847 Ridge Road, Westminster, MD 21157.

This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Construction / Operation of a small flow sewage system to serve a single family residence located at 155 Pine Tree Road, New Oxford, PA 17350.

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

**WQM Permit No. 6308404**, Sewerage, **Lone Hill Development, LP**, 212 Sussex Way, McMurray, PA 15317.

This proposed facility is located in Green Hills Borough, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer line and treatment plant.

**WQM Permit No. 7089-A1**, Sewerage, **PA Dept. of Public Welfare**, 1401 North 7th Street, PO Box 2675, Harrisburg, PA 17105-4064.

This existing facility is located in Derry Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

**WQM Permit No. 2097409**, Sewerage, **Amendment No. 1, Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435.

This existing facility is located in Springboro Borough, **Crawford County**.

Description of Proposed Action/Activity: Amendment of an existing permit to add a stormwater surge tank, replace the main plant blowers; upgrade the headworks and the diffusers; and add a larger chlorine contact tank.

**WQM Permit No. WQG018776**, Sewerage, **Donald Schmitt**, 3508 Canoe Ripple Road, Sligo, PA 16255.

This proposed facility is located in Licking Township, **Clarion County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

**WQM Permit No. WQG018775**, Sewerage, **William Decker**, 346 Amsterdam Road, Grove City, PA 16127.

This proposed facility is located in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

**WQM Permit No. WQG018785**, Sewerage, **Susan M. Duncan**, 12105 Tower Road, Conneautville, PA 16406.

This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509015	Richard Iadevaio 4792 Coolbaugh Road East Stroudsburg, PA 18302	Monroe Co.	Middle Smithfield Township	UNT to Bushkill Creek (HQ-CWF, MF) Bushkill Creek (HQ-CWF, MF)
PAI024510004	Pennsylvania CVS Pharmacy, LLC 8 Devonshires Court Blue Bell, PA 19422	Monroe Co.	Coolbaugh Twp.	Indian Run (EV, MF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Saucon Twp. Lehigh Co.	PAG02003905026(R)	Alex Hornstein Omega Homes 1150 S. Cedar Crest Blvd., Su. 300 Allentown PA 18103	Laurel Run CWF, MF	Lehigh Co Conservation District 610-391-9583
Foster Twp/ Hazle Twp Luzerne Co.	PAG02004009026	Greater Hazleton Area Civic Partnership Robert P. Skulsky Citiscap 20 West Broad St. Hazleton PA 18201	Hazle Creek CWF, MF	Luzerne Co Conservation District 570-674-7991
Muncy Creek Township Lycoming County	PAG2004110014	Michael Philbin 2105 Stopper Dr Montoursville, PA 17754	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Derry Township Montour County	PAG2004710003	PPL Inc 2 N 9th St Allentown, PA 18101	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140
Armstrong County West Kittanning Borough & East Franklin Township	PAG2000310001	PennDOT District 10-0 2550 Oakland Avenue Indiana, PA 15701	Whiskey Run (WF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 724-548-3435
Clinton Township Butler County	PAG02 0010 10 012	Chris E Marshall New Life Christian Ministries 1032 Carriage Lane Saxonburg PA 16056	UNT Davis Run CWF	Butler Conservation District 724-284-5270
Jackson Township Butler County	PAG02 0010 05 017R	Maronda Homes Inc Robert Mihok 1383 State Rt 30 Clinton PA 15026	Connoquenessing Creek WWF	Butler Conservation District 724-284-5270

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wilkes-Barre City Luzerne County	PAR802262	A. Duie Pyle, Wilkes-Barre Facility 90 Eugene Drive Wilkes Barre PA 18702	Unnamed Tributary to Mill Creek, (CWF)	PA DEP Northeast Regional Office 2 Public Square Wilkes Barre, PA 18701-1915 570-826-2511
Hanover Twp. Luzerne County	PAR322207	American Rock Salt Co LLC PO Box 190 Mt. Morris NY 14510	Sugar Notch Run Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes Barre, PA 18701-1915 570-826-2511

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Richland Township Cambria County	PAR606157	S & S Auto Salvage 1999 Frankstown Road Johnstown, PA 15902	Clapboard Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
North East Township Erie County	PAR808391	FedEx Freight, Inc. 2200 Forward Drive, DC:2270 Harrison, AR 72601	Unnamed Tributary to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams County / Straban Township	PAG043910	Robert J. Niner 1847 Ridge Road Westminster, MD 21157	UNT Beaverdam Creek / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Licking Township Clarion County	PAG041009	Donald Schmitt 3506 Canoe Ripple Road Sligo, PA 16255	Clarion River, 17-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Liberty Township Mercer County	PAG041008	William Decker 346 Amsterdam Road Grove City, PA 16127	Unnamed Tributary of Black Run, 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Spring Township Crawford County	PAG041017	Susan M. Duncan 12105 Tower Road Conneautville, PA 16506	Unnamed Tributary to Carr Run, 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-9*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Hempfield Township Westmoreland County	PAG096106	Hapchuk Sanitation 430 Fosterville Road Greensburg, PA 15601	Hapchuk Sanitation	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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

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

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office

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

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Dr. Joe Jurgielewicz & Son, Ltd. PO Box 27 Shartlesville, PA 19554	Berks	98	228.7	Ducks	None	Approved 10/27/2010
Hetrickdale Farms, Home Farm 69 Hetrick Drive Bernville, PA 19506	Berks	1555.7	1500	Dairy & Beef	None	Approved 10/27/2010

**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. 3610517, Public Water Supply.**

Applicant	<b>Farmersville Mennonite School</b>
Municipality	West Earl Township
County	<b>Lancaster</b>
Responsible Official	David L. Seibel, Head Maintenance 65 E. Farmersville Road Ephrata, PA 17522
Type of Facility	New NonCommunity Water System and demonstration of 4-log treatment of viruses
Consulting Engineer	Charles A Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Permit to Construct Issued:	10/26/2010

**Permit No. 0110506 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Bonneauville Borough Municipal Authority</b>
Municipality	Bonneauville Borough
County	<b>Adams</b>

Responsible Official Bernie Shanebrook,  
Borough Manager  
86 West Hanover Street  
Gettysburg, PA 17325

Type of Facility Well 5 contact pipe; System 4-log demonstration.

Consulting Engineer Bruce Hulshizer, P. E.  
Buchart-Horn Inc.  
445 West Philadelphia Street  
York, PA 17401-3383

Permit to Construct Issued: 10/26/2010

**Permit No. 2110503 MA**, Minor Amendment, Public Water Supply.

Applicant **Aqua Pennsylvania**

Municipality Monroe Township

County **Cumberland**

Responsible Official Patrick R. Burke,  
Regional Manager,  
Northeast & Central  
Operations  
One Away Way  
White Haven, PA 18661

Type of Facility Re-permit Well No. 3.

Consulting Engineer William A LaDieu  
CET Engineering Services  
1240 N Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued: 10/29/2010

**Permit No. 3610530**, Public Water Supply.

Applicant **Pequea Christian School**

Municipality Sadsbury Township

County **Lancaster**

Responsible Official Matthew D. Stoltzfus,  
School Board Treasurer  
115 Blank Road  
Narvon, PA 17555

Type of Facility Installation of a softener, nitrate treatment system and sodium hypochlorite disinfection system.

Consulting Engineer Charles A Kehew II, P. E.  
James R. Holley & Assoc., Inc.  
18 South George St.  
York, PA 17401

Permit to Construct Issued: 10/26/2010

**Permit No. 3610538 MA**, Minor Amendment, Public Water Supply.

Applicant **Terre Hill Borough**

Municipality Terre Hill Borough

County **Lancaster**

Responsible Official Robert R Rissler, Public Works  
Superintendent  
PO Box 250  
300 Broad Street  
Terre Hill, PA 17581-0250

Type of Facility Installation of chlorine contact piping at Entry Points 101 and 102. Demonstration of 4-log treatment of viruses for Entry Points 100, 101, 102 and 103.

Consulting Engineer Russell M. Smith, P. E.  
SSM Group, Inc.  
1047 North Park Road  
Reading, PA 19610

Permit to Construct Issued: 10/28/2010

**Permit No. 3410507 MA**, Minor Amendment, Public Water Supply.

Applicant **Mexico Market & Deli**

Municipality Walker Township

County **Juniata**

Responsible Official Donald Hart, Owner  
PO Box 162  
Mexico, PA 17056

Type of Facility Demonstration of 4-Log Treatment of Viruses for GWR. Installation of sodium hypochlorite feed equipment and three (3) 120 gallon contact tanks.

Consulting Engineer Larry E. Cox, P. E.  
Cox Engineering  
175 Matamoras Road  
Halifax, PA 17032

Permit to Construct Issued: 10/22/2010

**Permit No. 0610516 MA**, Minor Amendment, Public Water Supply.

Applicant **Oley Township Municipal Authority**

Municipality Heidelberg Township

County **Berks**

Responsible Official Paul A Herb, Chairman  
P O Box 19  
Oley, PA 19547

Type of Facility Demonstration of 4-Log Treatment of Viruses for GWR. Installation of approximately 500' of 12" contact pipe at Entry Point 102

Consulting Engineer John P Spitko, P. E.  
Spotts Stevens and McCoy Inc  
1047 North Park Road  
Reading, PA 19610-0307

Permit to Construct Issued: 10/26/2010

**Operations Permit** issued to: **Mountainview Camps of Blain**, 7500847, Toboyne Township, **Perry County** on 10/29/2010 for the operation of facilities approved under Construction Permit No. 5010508 MA.

**Operations Permit** issued to: **West Cocalico Township**, 7360141, West Cocalico Township, **Lancaster County** on 10/26/2010 for the operation of facilities approved under Construction Permit No. 3610539 MA.

**Operations Permit** issued to: **United Water Pennsylvania**, 7670061, Newberry Township, **York County**

on 10/26/2010 for the operation of facilities approved under Construction Permit No. 6710510 MA.

**Operations Permit** issued to: **Walnut Crème Stop**, 4340340, Beale Township, **Juniata County** on 10/22/2010 for the operation of facilities approved under Construction Permit No. 3410506 MA.

**Operations Permit** issued to: **Superior Water Company**, 3060137, Washington Township, **Berks County** on 10/28/2010 for the operation of facilities approved under Construction Permit No. 0610530 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 3060018, Cumru Township, **Berks County** on 10/26/2010 for the operation of facilities approved under Construction Permit No. 0610506 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 3061153, Cumru Township, **Berks County** on 10/21/2010 for the operation of facilities approved under Construction Permit No. 0610508 MA.

**Operations Permit** issued to: **Mifflintown Municipal Authority**, 4340008, Fermanagh Township, **Juniata County** on 10/29/2010 for the operation of facilities approved under Construction Permit No. 3410503 MA.

**Operations Permit** issued to: **Duncansville Water System**, 4070012, Duncansville Borough, **Blair County** on 7/22/2010 for the operation of facilities approved under Construction Permit No. 0710502 MA.

**Operations Permit** issued to: **Greenfield Township Municipal Authority**, 4070058, Greenfield Township, **Blair County** on 7/22/2010 for the operation of facilities approved under Construction Permit No. 0710503 MA.

**Operations Permit** issued to: **United Water PA Business One**—Harrisburg, 7500879, Penn Township, **Perry County** on 10/26/2010 for the operation of facilities approved under Construction Permit No. 5010501 MA.

**Operations Permit** issued to: **Hamburg Municipal Authority**, 3060035, Hamburg Borough, **Berks County** on 10/26/2010 for the operation of facilities approved under Construction Permit No. 0610521 MA.

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

**Permit No. Minor Amendment (4909503)**—Construction Public Water Supply.

Applicant	<b>Eyers' Manor Personal Care Home</b>
[Township or Borough]	Point Township
County	<b>Northumberland</b>
Responsible Official	Ms. Beverly Cook-Trego Eyers' Manor Personal Care Home 3196 Ridge Road Northumberland, PA 17857
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Chris Beidler, P. E. Larson Design Group 1000 Commerce Park Drive Williamsport, PA 17701
Permit Issued Date	November 1, 2010

Description of Action	Installation of the redesigned new public water system at existing Eyers' Manor Personal Care Home. The water supply will include Well Nos. 1 and 2, disinfection, iron and manganese removal, detention tanks and distribution system.
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*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Cancellation of Operations Permits** issued to **Salvation Army**, Camp Allegheny, PWSID #6370810, Wayne Township, **Lawrence County** on April 28, 2010. This action represents the cancellation of Permit No. 361W8, issued June 29, 1961 for the Intake, Filtration Plant & Distribution System; Permit No. 361W8-MA1, issued May 3, 1990 for the 24,000 gallon Tank and Hypalon Lining, and Permit No. 3790503, issued October 22, 1992, for Intake, Filtration Plant, Disinfection, Pump Stations and System Storage. This action is a result of applicant request through their engineer, and an inspection by Department personnel verifying the physical disconnection and abandonment of the system. Camp Allegheny is now a customer of Pennsylvania American Water Company-Ellwood.

**Operations Permit** issued to **Winslow Township**, PWSID #6330013, Village of Soldier, Winslow Township, **Jefferson County** on October 28, 2010. Action is for operation of the newly constructed water supply to the Village of Soldier, including distribution system, a 75,000 Stainless steel finished water tank, transmission line & booster pump station to convey finished water from Sykesville Borough. Operations permit is issued in response to inspections conducted by department personnel on October 27, 2010, and as approved under Construction Permit No. 3307501, issued on May 20, 2008.

<b>Permit No. 8444W-T1-MA3</b> , Public Water Supply	
Applicant	<b>Mount Jewett Borough Authority</b>
Township or Borough	Mount Jewett Borough
County	<b>McKean County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Kirt Ervin, PE
Permit to Construct Issued	10/29/2010

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, Pennsylvania 17105-8775*

**The Act 167 Countywide Stormwater Management Plan for McKean County**, submitted by **McKean County**, was approved on October 26, 2010. This plan applies to all watersheds and all areas within McKean County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Whitehall Twp.	3219 MacArthur Road Whitehall, PA 18052	Lehigh
Coplay-Whitehall Sewer Authority	3213 MacArthur Road Whitehall, PA 18052	Lehigh

*Plan Description.* The Department has approved the Coplay Creek Drainage Basin Special Study Act 537 Plan for Whitehall Township, Lehigh County (Plan), dated April 2010, that was prepared for the Coplay-Whitehall Sewer Authority (CWSA).

The chosen alternative is Alternative 1 which consists of:

- The replacement of the Coplay Creek Interceptor in its entirety from its starting point near the intersection of Reliance Street and Bridge Street to the Eberhart Road Pump Station. The replacement Interceptor will have a total length of about 23,836 linear feet.
- Rehabilitating about 24 manholes and installing about 1,600 feet of cured-in-place liner in the existing sanitary sewer main for stream crossings that connect with the Coplay Creek Interceptor.

Wastewater from the Coplay Creek Interceptor discharges to the CWSA's Lower Lehigh River Interceptor, then to the City of Allentown's sewer system and its Kline Island Wastewater Treatment Facility (WWTF). Treated wastewater is discharged to the Lehigh River, a tributary of the Delaware River.

The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

### Proposed Interim Response F & F Trucking Site Ohioville Borough, Beaver County

The Pennsylvania Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. Section 6020.101 et. seq. ("HSCA"), is proposing a response action for the F & F Trucking Site ("Site"). The Site is located at 316 Midland Road (State Route 68) in Ohioville Borough, Beaver County near the Ohio River.

The Site consists of ten (10) abandoned aboveground storage tanks and at least one (1) underground storage tank that are in poor condition and contain hazardous substances. Some of the tanks have open lids and some have leaked. Sample analysis show that the tanks contain oily waste contaminated with elevated levels of hazardous substances such as mercury, arsenic, barium, naphthalene, MEK, PCBs, and trichloroethene.

The current and/or potential threat from the Site to human health or welfare is the direct contact of the contamination to persons entering the areas where the tanks and contaminated soil are located, access is generally unrestricted. The current and/or potential threat that could adversely affect the environment is contamination

of the soil, groundwater, and surface water from possible leaking of waste from the tanks.

The Department considered the following three alternatives to address the waste and hazardous substances at the Site: (Alternative 1) taking no action to address contamination related to the Site, (Alternative 2) the areas around the tanks would be fenced and otherwise secured to prevent human exposure, and (Alternative 3) removal and proper disposal of the contents of the tanks and excavation and disposal of visibly contaminated soil. Alternative 3 was chosen because it complies with the applicable, relevant, and appropriate requirements.

This notice is being provided under Section 506(b) of the Hazardous Sites Cleanup Act. The Administrative Record which contains information forming the basis and documenting the selection of this response action is available for public review and comment at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review between 9 a.m. and 4 p.m.

The Administrative Record will be open for comment until February 11, 2011. Persons may submit written comments into the record, during this time only, by sending them or delivering them to Edward Litwin, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing scheduled for December 15, 2010 at 7:00 p.m. at the Ohioville Borough Municipal Building, located at 6268 Tuscarawas Road, Industry, PA 15052. Persons wishing to present comments must register with Katy Gresh at the Department's Southwest Regional Office, in writing at: 400 Waterfront Drive, Pittsburgh, PA 15222 or by telephone at (412) 442-4203 before noon, December 15, 2010.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact Katy Gresh at (412) 442-4203 or through the Pennsylvania AT&T Relay Service at (800) 654-5954 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate



that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**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 Final Report (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 report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on October 15, 2010.

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

**Cumberland Technology Park Site**, Hampden Township, **Cumberland County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, 17101, on behalf of John and Kathryn Harbilas, 33 North Second Street, Harrisburg, 17011, resubmitted a Final Report concerning remediation of groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet a combination of the Residential Statewide Health and Site-Specific standards.

**Mann Edge Terrace**, Lewistown Borough, **Mifflin County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 and Blackrock Environmental, LLC, PO Box 288, Nazareth, PA 18064 on behalf of Mifflin County Industrial Development Corporation, 6395 State Route 103 North, Lewistown, PA 17044, submitted a combined Remedial Investigation and Final Report for the remediation of site soils and groundwater contaminated with lead and mercury. The site will be remediated to the Site-Specific 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 18701-1915.*

**C. Rozell 2H/3H Well Site**, SR 3001, Jessup Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn

Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by a release of diesel fuel, which was due to the failure of the filter gasket from one of the three skid-mounted generators used to provide power for the drill rig. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 25, 2010. The report was originally submitted within 90 days of the release.

**Franklin Raso, Sr. Property**, Lot 142, Woodland Hills, Paupack Township, **Wayne County**. Dawn Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 submitted a Final Report (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 report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 28, 2010.

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

**Former Leigh Valley Railroad Maintenance Facility** Sayre Borough, **Bradford County**. KU Resources, Inc. 22 South Linden St., Duquesne, PA 15110 on behalf of Brian Driscoll, Central Bradford Progress Authority, 1 Progress Plaza, Towanda, PA 18848 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with organics (TCE) in groundwater, LNAPL contamination in a confined area (diesel fuel), metals (lead) in drainage swales. The Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on October 28, 2010.

**XTO Energy-King Farm Site**, Shrewsbury Township, **Lycoming County**. The Benham Companies, LLC, 6310 Allentown Blvd., Harrisburg, PA 17112-2790 on behalf of XTO Energy, 395 Airport Road, Indiana, PA 15701 has submitted with 90-days of the release a Final Report concerning remediation of site soil contaminated with drilling mud. The report is intended to document remediation of the site to meet the Statewide Health Standard. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 27, 2010.

**Former Getty Pumping Station**, Homer and Eulalia Township, **Potter County**. SAIC, 6310 Allentown Blvd, Harrisburg, PA 17112 on behalf of Chevron Environmental Management Company, 6111 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon target compounds associated with crude oil. The Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on September 29, 2010.

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

**Frenz Petro Diesel Spill Warren County**, Eldred Township, **Warren County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Frenz Petroleum Company, 2318 West State Street, New Castle, PA 16101 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, Methyl Tertiary Butyl Ether, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 27, 2010.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Scarpino / Patterson Ave Site**, City of Duquesne, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne PA 15110 on behalf of the Redevelopment Authority of Allegheny County, 425 Sixth Street, Suite 800, Pittsburgh, PA 15217 and West to West Coalition, 22 South Linden Street, Duquesne, PA 15110 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with gasoline constituents. The RIR was published in the Daily News on Sept 29, 2010.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Registration Number WMGR097R014. Enginuity Energy, LLC**, 203 Lynndale Court, Mechanicsburg, PA 17050. Registration to operate under General Permit Registration Number WMGR097R014 for a research and development project to process biomass waste in a gasifier and beneficial use to produce steam. The registration was approved by Central Office on November 1, 2010.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit approved under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone, 412-442-4000.*

**General Permit No. WMGR096SW002. Pittsburgh Terminals Corporation**, 2760 Neville Road, Pittsburgh, PA 15225. A residual waste general permit for the beneficial use of regulated fill as defined in Guidance Document 258-2182-773 (Management of Fill) for use as construction material in Neville Township, **Allegheny County**, was approved by the Regional Office on November 2, 2010.

Persons interested in reviewing the general permit may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA

15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**General Permit Application No. WMGR081D023. Kuusakoski Philadelphia, LLC.**, 315 Orthodox Street, Philadelphia, PA 19137.

The **general permit WMGR081D023** is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the **Kuusakoski Philadelphia, LLC** facility, located in the City of Philadelphia, **Philadelphia County**. Central Office approved the determination of applicability on October 29, 2010.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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**Permit Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 301220. Clean Earth Of Philadelphia Inc.**, 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This permit was issued to allow for the short-term, continued operation of the Clean Earth of Philadelphia Inc. facility, an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on October 21, 2010.

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**Permits Approved under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate a Solid Waste Processing or Disposal Area or Site.**

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*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit No. 100933. Alliance Sanitary Landfill.** 398 South Keyser Ave., Taylor, PA 18517. A permit modification authorizing the expansion of this municipal waste landfill located in Taylor Borough, Ransom Township, **Lackawanna County**. This permit was issued on the Regional Office on October 28, 2010 with an expiration date of October 28, 2020.

In accordance with § 271.142(a)(4), the Department of Environmental Protection (DEP) will publish a notice in the *Pennsylvania Bulletin* of its justification for overriding county or host municipality recommendations regarding an application for a permit modification under section 504 of the Solid Waste Management Act.

**Permit No. 100933. Alliance Sanitary Landfill.** The following is the DEP's justification of overriding Old Forge Borough (OFB) recommendations. A more detailed summary of all comments received and how they were considered is included in a Comment Response Document issued concurrent with the Area 2A Expansion Permit.

1. OFB believes that they are a host municipality. The DEP agrees that OFB is a host municipality.

2. OFB believes that in the DEP's May 17, 2001 determination regarding the harms and benefits associated with the 1999 expansion proposal remains valid and is equally applicable to the proposed Area 2A expansion. OFB believes that nothing meaningful has changed since the last analysis. All of the harms identified remain. No additional meaningful benefits have been added. Therefore the analysis should remain the same. Specific examples include:

a. Several cemeteries are located in close proximity to the landfill, all within .5 miles of the landfill property. OFB believes the proposed mitigation to reduce or curtail operations during funerals is unrealistic given the number of trucks expected to access the facility. Furthermore, visitors to these cemeteries will be impacted by noise and odors. DEP believes that the application contains changes to the design, construction sequence, and buffer areas and adequate mitigation for impacts to those visiting cemeteries.

b. Alliance fails to address how they will address aesthetic harms associated with the proposed soil stockpile areas. The DEP's evaluation of the Area 2A expansion was focused on measures to be undertaken to lessen the existing impacts and an evaluation of the degree the Area 2A expansion project, including the soil stockpile, may aggravate aesthetic impacts. DEP believes that the design, construction sequence, limits of the expansion within the currently disturbed areas in conjunction with the use of screening berms, and alternative vegetation, will serve to limit current and future visual aesthetic impacts from the facility.

c. OFB believes that Alliance's plan to use alternative vegetative cover to address aesthetic harms associated with the vegetative cover is at best speculative and at worst unsound. The DEP should disregard the proposed mitigation and aesthetics associated with vegetative remains a significant harm. The DEP has determined that Alliance has shown that the proposed vegetative cover is a viable alternative to traditional landfill cover grasses. The demonstration project has shown that the alternative vegetation has not negatively affected the capping or drainage systems or access for monitoring activities. The use of the alternative vegetation was approved with the 2A expansion.

d. Alliance's plan to conduct subsidence studies post-permit issuance is unacceptable. Potential for subsidence potential should be assessed up front. Alliance has conducted studies to assess subsidence potential and has proposed an adequate plan to mitigate the risk of subsidence in the area of the 2A expansion. As the mitigation plan is implemented, they will further assess subsidence potential to ensure that the implemented mitigation has eliminated that potential, and propose and implement further mitigation if appropriate. The DEP believes this approach is acceptable.

3. The continued operation of the landfill under the proposed expansion will prolong the existing health threats to the community. In order to evaluate the potential health impacts associated with the ASL, the

Pennsylvania Department of Health (PADOH) and the Agency for Toxic Substances and Disease Registry (ATSDR) prepared a Health Consultation (HC). ATSDR and PADOH conclude that exposure to the detected levels of arsenic, beryllium, cadmium, chromium, lead, manganese, and zinc is not expected to harm people's health. In addition, the report concluded that particulate matter (PM10 and PM2.5) and hydrogen sulfide in ambient air surrounding the Alliance landfills are not expected to harm people's health. The HC makes three recommendations that the DEP believes have value and were incorporated into the permit. First, it recommends that additional air monitoring be considered if the Alliance Landfill makes substantial or significant changes in its scope, activity, and/or capacity to continue to address residents' concerns in regard to air quality, exposure levels, and potential health effects. Second, that PADEP should continue maintaining a record of all odor complaints to characterize the nature, location, time, and frequency of such complaints. And finally, management at ASL and PADEP should ensure continued compliance with required landfill gas emission controls and odor-control practices.

4. OFB believes that the continued operation of the landfill will exacerbate the already depressed residential and commercial development in the area. There are numerous potential reasons in any area for lack of commercial development; however, the DEP has no information that indicates there is a lack of commercial or residential growth caused by the presence of the Alliance Landfill.

5. OFB believes that the DEP should consider the compliance history of the landfill during those times that are representative of operations that will occur under the proposed expansion. Compliance history of the landfill was considered as part of the application review. As part of the permit review, DEP evaluated whether there were any outstanding compliance issues, and whether the operator has the ability and intent to comply. The DEP has concluded that ASL has demonstrated compliance with its regulatory obligations for the past five years. The application contains details of how it has modified operations to prevent reoccurrence of past violations, and how ASL will maintain compliance and limit public nuisances. ASL currently has no outstanding violations or enforcement actions.

6. OFB believes that Alliance has not adequately documented how it will prevent contaminated stormwater runoff from entering surface water and groundwater and how it will prevent flooding in the area during heavy rains. ASL liner system is designed to prevent groundwater contamination, and the landfill design will prevent contaminated runoff from entering surface water. The area of the Alliance property in relation to the watershed drainage area is only 16%, and not a significant contributor to the overall flow in the watershed. The stormwater management plans have been designed to control a 150-year storm event. DEP has determined that the stormwater controls will mitigate peak discharge rates that could contribute to down stream flooding.

7. OFB believes that Alliance has not adequately mitigated the potential harm associated with the proximity of the landfill to the PA Anthracite Heritage Museum located at McDade Park. In addition, the OFB's Municipal Soccer Field is located within .5 miles of the landfill and has never been addressed by Alliance in its harms analysis. The Area 2A expansion will not be visible from the PA Anthracite Heritage Museum at McDade Park, and landfill traffic will not impact McDade Park or the

museum within. The PHMC has not identified any concerns in relation to this museum. Alliance has addressed the aesthetics and traffic impact of the landfill through various measures and the DEP has determined that there were no remaining harms in relation to parks or historical features.

8. OFB believes that additional air quality and odor problems will occur as a result of the landfill expansion. Air quality and odor were considered as potential harms. The application contains an updated Nuisance Minimization Control Plan (NMCP) and identifies the establishment of a Quality Assurance Team (QAT). The NMCP and QAT will be used to address air quality issues and impacts to include, but not limited to; waste hauling and staging of trucks, waste disposal, soil processing areas, leachate seeps, and landfill cell sequencing and construction. DEP has determined that the mitigation plans will be adequate to control odor and air quality impacts. Potential health impacts associated with Alliance were evaluated by the PADOH and ATSDR. The Health Consultation report makes three recommendations that the DEP believes have value and were incorporated into the permit.

9. OFB believes that the increased truck traffic resulting from the proposed expansion will create serious safety risks. DEP determined that Alliance has defined transportation safety issues at the landfill, defined who may be affected by unsafe vehicles, and various factors that may contribute to unsafe vehicles. Alliance has shown that their driver educational program, an on-site safety inspection, distribution of safety material, NMCP and QAT is appropriate and effective in reducing the number of unsafe trucks arriving or leaving the site. DEP has concluded that the proposed mitigation plans will reduce transportation safety issues and limit future impacts.

10. OFB believes that property values will continue to be adversely affected by the continued presence of an operating landfill. Absent specific information, DEP believes that to the extent this is an existing operational site expanding its disposal area within its own property boundaries, the majority of any negative effect has already occurred with the initial construction and operation of the landfill.

11. OFB believes that the transfer of the Colliery property and the financial support to develop a brownfields project there is not properly considered a benefit of the expansion. This entire project should be characterized as a charitable contribution. Furthermore, even assuming that the DEP chooses to characterize the property transfer as a benefit, it should not characterize the financial support as a benefit since Taylor Borough has not adequately restricted the use of the funds to the project. DEP acknowledged the many potential environmental and SE benefits were identified of the Taylor Colliery Project. Of these suggested benefits, the transfer of ownership of the land, funding provided to the Taylor Colliery Project Trust Fund, and future use of equipment and operators were considered a benefit of the Area 2A expansion. DEP received correspondence/comment from Taylor Borough regarding the significance of this benefit. The DEP believes that it was properly characterized.

12. OFB agrees with the DEP's initial conclusion that the provision of free waste pickup in two of the local communities should not be considered a benefit, or should be considered a limited benefit due to the potential negative effect such services have on recycling. The DEP believes that Alliance adequately quantified the benefit, and that it was properly considered in the analysis.

## AIR QUALITY

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

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

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

**58-310-037GP3: Dan Warner Trucking** (2293 Babcock Road, Montrose, PA 18801) on October 13, 2010, for construction and operation of a Portable Crushing Operation with watersprays at their site in Jessup Township, **Susquehanna County**.

**58-329-027GP9: Dan Warner Trucking** (2293 Babcock Road, Montrose, PA 18801) on October 13, 2010, for installation and operation of Diesel I/C Engines at their site in Jessup Township, **Susquehanna County**.

**40-310-083GP3: Brdaric Excavating, Inc.** (913 Miller Street, Luzerne, PA 18709) on October 13, 2010, for construction and operation of a Portable Crushing Operation with watersprays at their site in Swoyersville Borough, **Luzerne County**.

**40-329-010GP9: Brdaric Excavating, Inc.** (913 Miller Street, Luzerne, PA 18709) on October 13, 2010, for installation and operation of a Diesel I/C Engine at their site in Swoyersville Borough, **Luzerne 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*

**GP4-05-03001A: Bedford Burn Off Services, Inc.** (528 Forbes Road, Bedford, Pennsylvania 15522) on October 27, 2010, for two burn-off ovens at their facility in Bedford Borough, **Bedford County**. The general permit authorization was renewed.

**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.**

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

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

**09-0009F: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on October 27, 2010, for the following changes at their facility in New Britain Twp., **Bucks County**:

- Installation of a new lithographic printing press to replace an existing lithographic press.
- Replacement of the dryers on two other existing presses.
- Installation of automatic blanket washers on four existing presses.

The facility is a Title V facility. The proposed modification/reconfiguration will not result in a net increase of emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0019A: Lockheed Martin Corp.** (230 East Mall Boulevard, King of Prussia, PA 19406) on November 2, 2010, for installation of two (2) 2,000 kW internal combustion emergency generators at their facility in Upper Merion Township, **Montgomery County**. Lockheed Martin is a Synthetic Minor facility, operating under SMOP 46-00019. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

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

**36-03166A: L & S Sweeteners** (388 East Main Street, Leola, Pennsylvania 17540-1925) on October 25, 2010, for construction and operation of a new 32.6 mmBtu/hr (800 HP) boiler fired with treated landfill gas and natural gas at their liquid bulk tank truck transportation facility in West Earl Township, **Lancaster County**.

**22-05012D: ArcelorMittal Steelton, LLC** (215 S. Front St., Steelton, PA 17113-2538) on October 29, 2010, for construction of a natural gas fired boiler (99.3 mmbtu/hr), four (4) railroad car ingot heaters (3.1 mmbtu/hr each), a cooling tower (3,800 gpm), associated degasser system with three new degasser tanks, rail car relocation, and quicker ingot turn around. The project is to take place at the steel manufacturing facility in Steelton Borough, **Dauphin County**.

**ER-22-05012B: ArcelorMittal Steelton, LLC** (215 South Front Street, Steelton, PA 17113-2538) on October 25, 2010, for Creditable Emission Reductions at their steel manufacturing facility in Steelton Borough, **Dauphin County**, due to the shutdown of Central Boiler #2, Source ID 032. The creditable emissions reductions granted are for 27.6 tons of NOx and 0.35 tons of VOC.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0010: Teva Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on October 26, 2010, to operate a 60-inch accelacota tablet coater in West Rockhill Township, **Bucks County**.

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

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

**04-00725A: Pennsylvania Biodiesel, Inc.** (759 Northgate Circle, Northgate, Industrial Park, New Castle, PA 16105-5551) on October 21, 2010, for an extension of the Plan Approval for the temporary operation to facilitate the shake-down operation and conduct an initial operating permit inspection of the facility located at Potter Township, **Beaver County**. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**06-05050: Sunoco Pipeline, LP** (525 Fritztown Road, Sinking Spring, Pennsylvania 19608-1509) on October 22, 2010, for their petroleum pumping and storage facility in Spring Township, **Berks County**. This is a renewal of the Title V Operating Permit.

**67-05042: Hanover Foods Corp.** (1550 York Street, PO Box 334, Hanover, Pennsylvania 17331) on October 22, 2010, for their canned fruits and vegetables manufacturing operation in Penn Township, **York County**. This is a renewal of the Title V Operating Permit.

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

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

**04-00084: Anchor Acquisition LLC—Monaca Plant** (400 9th Street, Monaca, PA 15061-1862) on October 26, 2010, the Department of Environmental Protection reissued the Title V Operating permit for their facility in the Borough of Monaca, **Beaver County**. Anchor Acquisition operates the following air emission sources: 120 MMBtu/hr glass melting furnace, 11 lehrs, 2 glazers and miscellaneous natural gas usages in the manufacturing of pressed and blown glass. The facility, because of rule-making, is a Title V facility and therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Facility-wide emissions are limited to 279 tons NOx per consecutive 12-month period in accordance with the RACT Operating Permit. The facility is required to perform exhaust stack testing every five years and demonstrate compliance with the emission limits set forth by testing, recordkeeping, monitoring, and work practice standards. The facility is subject to the new final-form rulemaking of 25 Pa. Code Chapter 129 for glass melting furnaces. The facility must demonstrate compliance by January 1, 2012. This is a renewal.

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**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.**

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

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

**09-00121: Philadelphia Macaroni Co.** (40 Jacksonville Road, Warminster, PA 18974) on November 2, 2010, for a non Title-V (State-Only), Natural Minor, Operating Permit Renewal. This facility manufactures pasta products in Warminster Township, **Bucks County**. The major sources of air emissions are the pneumatic conveying system controlled by five dust collectors and two boilers. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**64-00013: Leeward Asphalt LLC** (2052 Lucon Road, Skippack, PA 19474) on October 20, 2010, to issue a new State-Only (Synthetic Minor) Operating Permit for operation of a batch asphalt plant and associated air cleaning devices at their facility in Palmyra Township, **Wayne County**.

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

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

**07-05037: HH Brown Shoe Co.—d/b/a Cove Shoe Company** (107 Highland Street, Martinsburg, Pennsylvania 16662-1424) on October 27, 2010, for their footwear manufacturing facility in Martinsburg Borough, **Blair County**. This is a renewal of the State Only Operating permit.

**07-03043: McLanahan Corp.** (200 Wall Street, Hollidaysburg, Pennsylvania 16648-1637) on October 26, 2010, for their iron and steel foundry in Hollidaysburg Borough, **Blair County**. This is a renewal of the State Only Operating permit.

**06-05008: SFS Intec, Inc.** (PO Box 6326, Wyomissing, Pennsylvania 19610-0326) on October 21, 2010, for their fastener and closure manufacturing facility in Wyomissing Borough, **Berks County**. This is a renewal of the State Only Operating permit.

**01-05036: ECORE International, Inc.** (60 Filbert Street, Hanover, Pennsylvania 17331-8604) on October 20, 2010, for the rubber tire reclamation facility in Conewago Township, **Adams County**.

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**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.**

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

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

**09-00050: Hanson Aggregates BMC, Inc.** (825 Swamp Road, Penns Park, PA 18943) on November 2, 2010, for a Minor Operating Permit Modification of a Non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Wrightstown Township, **Bucks County**.

Hanson Aggregates operates an asphalt plant under Operating Permit No. 09-00050, identified as Source ID 450. The asphalt plant was initially installed with the capability to use No. 2 fuel oil to operate the asphalt plant. Now the asphalt plant has the capability to use natural gas. There have been no changes to allowable emission rates. The permit continues to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**46-00141: TSG, Inc.—Synfin Industries Division** (1400 Welsh Road, North Wales, PA 19454) on November 2, 2010, for an Administrative Amendment to State Only (Synthetic Minor) Operating Permit No. 46-00141 for their facility in Montgomery Township, **Montgomery County**. The Administrative Amendment removes certain information from the permit that TSG, Inc., requested be kept confidential.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**OP-63-00014: Orion Power Midwest, LP** (30 Duquesne Light Way, Elrama, PA 15038-0800) Per Title

25 Pa. Code Section 127.449(i), this is for the following de minimis emission increases at the Orion Power Midwest, LP, Elrama Power Plant, located in Union Township, **Washington County**:

NOx emissions from this project will not exceed 0.9 tpy, PM10 emissions from this project will not exceed 0.6 tpy, and all other criteria pollutants will each not exceed 0.2 tpy resulting from the installation and operation of an emergency temporary coal conveyor system consisting of two conveyors, two unenclosed transfer points, one enclosed transfer point, and one 80 bhp diesel engine.

Other previously authorized de minimis increases at the facility are:

2004 Barge Loading of Coal/Synfuel.

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

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**25-00688: Hamot Medical Center** (201 State Street, Erie, PA 16550) for their facility in Erie City, **Erie County**. The De minimis emission increase is for the construction of a 300 kW natural gas fired internal combustion engine (Bayfront Roof Generator). In addition, 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 emission increases since the facility Operating Permit issuance on July 15, 2008.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
10/27/10	Bayfront Roof Generator	0.0000032	0.00008	0.003	0.0015	0.006
Total Reported Increases		0.0000032	0.00008	0.003	0.0015	0.006
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**43-00011: Greenville Metals, Inc.** (99 Crestview Drive Extension, Transfer, PA 16154) for their facility in Pymatuning Township, **Mercer County**. The De minimis emission increase is for the construction of a degreaser. In addition, 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 emission increases since the facility Operating Permit issuance on May 16, 2007.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
10-27-10	Degreaser				0.26	
Total Reported Increases					0.26	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## 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 Applications Returned*

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

**56090109 and NPDES No. PA0262838. Godin Brothers, Inc.**, 196 E. Philadelphia Street, P. O. Box 216, Armagh, PA 15920, transfer of an existing bituminous surface and auger mine from Godin Mining, In., 128 Colton Drive, Stoystown, PA 15563, located in Lincoln Township, **Somerset County**, affecting 22.6 acres. Receiving stream(s): Unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: May 25, 2010. Application Cancelled and Returned: July 26, 2010.

### *Coal Permits Actions*

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

**03961301 and NPDES Permit # PA0214787, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County** to install the West Shaft site. Surface Acres Proposed 30.6. Receiving stream: Tributary A to Carnahan Run, classified for the following use: WWF. Application received: January 26, 2010. Permit issued: October 29, 2010.

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

**07100101 and NPDES Permit No. PA0262943, Heritage Mining Company, Inc.**, P. O. Box 125, Cresson, PA 16630, commencement, operation and restoration of a bituminous surface mine in Logan Township, **Blair County**, affecting 99.0 acres. Receiving stream(s): Kittanning Run and Glenwhite Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Altoona City Water Authority. Application received: January 5, 2010. Permit issued: October 25, 2010.

**32050102 and NPDES No. PA0249700. Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana**

**County**, affecting 108.9 acres. Receiving stream(s): unnamed tributaries to Toms Run and Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 30, 2010. Permit Issued: July 27, 2010.

**32000102 and NPDES No. PA02345296. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface mine in White Township, **Indiana County**, affecting 105.3 acres. Receiving stream(s): unnamed tributaries to and Yellow Creek classified for the following use(s): trout stocked fishery; cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 14, 2010. Permit issued: July 29, 2010.

**56900105 and NPDES No. PA0598852. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 295.0 acres. Receiving stream(s): unnamed tributary to and Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 27, 2010. Permit issued: October 25, 2010.

**11940201 and NPDES No. PA0212831. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface mine in Adams Township, **Cambria County**, affecting 76.9 acres. Receiving stream(s): unnamed tributary to South Fork of the Little Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2010. Permit issued: October 27, 2010.

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

**65910103 and NPDES Permit No. PA0592447. Coal Loaders, Inc.** (210 E. Main Street, Ligonier, PA 15658). Permit revised to add 29.7 acres for continued operation and reclamation of an existing bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, affecting 72.1 acres. Receiving streams: unnamed tributaries to Barren Run. Revision application received: May 29, 2010. Revised permit issued: October 26, 2010.

**GP12-63080103 and NPDES Permit No. PA0251445. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit revised for approval of GP12 portable coal crusher to be placed at an existing bituminous surface mining site located in Somerset and Fallowfield Townships, **Washington County**, affecting 224.0 acres. Receiving streams: unnamed tributaries to N. Branch Pigeon Creek. GP12 application received: February 10, 2009. Revised permit issued: October 26, 2010

**26060104 and NPDES Permit No. PA0250929. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit revised to change the post-mining land use from forestland to unmanaged natural habitat at an existing bituminous surface mining site located in Luzerne and German Townships, **Fayette County**, affecting 90 acres. Receiving streams: Antram Run and Monongahela River. Revision application received: July 12, 2010. Revised permit issued: October 26, 2010.



**02823014 and NPDES Permit No. PA0617661. Settler's Ridge, L.P.** (c/o CBL & Associates Properties, Inc., 800 South Street, Suite 395, Waltham, MA 02453). Permit renewed for continued treatment of discharges and reclamation of an existing bituminous surface mining site located in Robinson Township, **Allegheny County**, affecting 0.321 acres. Receiving streams: Campbells Run to Chartiers Creek to Ohio River. Renewal application received: February 5, 2010. Permit renewal issued: October 28, 2010.

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

**16050103 and NPDES Permit No. PA0242642. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Redbank & Limestone Townships, **Clarion County** affecting 47.0 acres. Receiving streams: Unnamed tributary to Pine Creek. Application received: September 8, 2010. Permit Issued: October 27, 2010.

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

**14040101 and NPDES No. PA0243833. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface mine located in Rush Township, **Centre County** affecting 547.3 acres. Receiving streams: unnamed tributary to Trout Run and unnamed tributaries to Moshannon Creek classified for High Quality Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2010. Permit issued: October 22, 2010.

**14040102 and NPDES No. PA0243850. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 60.1 acres. Receiving streams: unnamed tributary to North Fork of Beech Creek to Beech Creek classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2010. Permit issued: October 22, 2010.

**17950106 and NPDES No. PA0220060. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving streams: unnamed tributaries to Watts Creek and Watts Creek classified for High Quality Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 10, 2010. Permit issued: October 22, 2010.

**17990118 and NPDES No. PA0242730. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Renewal for reclamation only on an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 121.4 acres. Receiving stream: Moose Creek classified for High Quality Cold Water Fishery. Application received: July 30, 2010. Permit issued: October 25, 2010.

**17990124 and NPDES No. PA0242802. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface mine located in Bigler Township, **Clearfield County** affecting 73.7 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2010. Permit issued: October 15, 2010.

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

**40030202T. Pioneer Equipment Rentals, Inc.**, (645 Laurel Run Road, Bear Creek Township, PA 18702), transfer of an existing anthracite coal refuse reprocessing operation in Duryea and Hughestown Boroughs, **Luzerne County** 150.0 acres, receiving stream: none. Application received: January 26, 2010. Transfer issued: October 28, 2010.

*Noncoal Applications Returned*

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

**32092802. Force, Inc.**, 1077 Route 119 Highway North, Indiana, PA 15701, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Rayne Township, **Indiana County**, affecting 5.0 acres. Receiving stream(s): McKee Run. Application received: June 11, 2009. Permit Returned: July 9, 2010.

*Noncoal Permits Actions*

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

**0179301 and NPDES Permit No. PA0122297. Gettysburg Granite, LLC**, 31 Center Mills Road, Aspers, PA 17304, renewal of NPDES Permit, Mt. Joy Township, **Adams County**. Receiving stream(s): unnamed tributary to Rock Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010. Permit issued: October 26, 2010.

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

**37100301 and NPDES Permit No. PA0258890. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Commencement, operation and restoration of a large limestone operation in Slippery Rock Township, **Lawrence County** affecting 47.0 acres. Receiving streams: Slippery Rock Creek. Application received: May 24, 2010. Permit Issued: October 25, 2010.

**37030303. Three Rivers Aggregates, LLC.** (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing large sand & gravel operation from Ennstone, Inc. d/b/a Three Rivers Aggregates in North Beaver Township, **Lawrence County** affecting 37.0 acres. Receiving streams: Beaver River. Application received: June 28, 2010. Permit Issued: October 27, 2010.

**25030302. Fiesler Sand & Gravel, LLC** (4500 Greenlee Road, McKean, PA 16426) Transfer of an existing large sand & gravel operation from Walter Kuhl in Greene Township, **Erie County** affecting 50.6 acres. Receiving streams: Unnamed tributaries to Fourmile Creek and Fourmile Creek. Application received: June 11, 2010. Permit Issued: October 27, 2010.

**2579301 and NPDES Permit No. PA0118354. Fiesler Sand & Gravel, LLC** (4500 Greenlee Road, McKean, PA 16426) Transfer of an existing large sand & gravel operation from Walter Kuhl in Greene Township, **Erie County** affecting 46.0 acres. Receiving streams: Fourmile Creek. Application received: June 11, 2010. Permit Issued: October 27, 2010.

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

**08102801. Johnson Quarries, Inc.** (P. O. Box 136, Le Raysville, PA 18829), commencement, operation and restoration of a small noncoal (Bluestone) operation in Warren Township, **Bradford County** affecting 5.0 acres. Receiving streams: Unnamed Tributary, Dewing Creek, and Apalachin Creek. Application received: January 7, 2010. Permit issued: October 15, 2010.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**32104005. Evergreen Landfill**, P. O. Box 195, Coral, PA 15731, blasting activity permit issued for landfill expansion in Center Township, **Indiana County**. Blasting activity permit end date is end of landfill project. Permit issued: October 26, 2010.

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

**26104012. Phillips Exploration, Inc.** (502 Keystone Drive, Warrendale, PA 15086). Blasting activity permit for the seismic exploration of the George F. Joseph #13 well site, located in Dunbar Township, **Fayette County**. The duration of blasting is expected to last ten months. Blasting permit issued: October 25, 2010.

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

**16104002. Appalachian Geophysical Services, LLC** (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit to conduct seismic exploration in Knox, Elk & Washington Townships, **Clarion County**. This blasting activity permit will expire on November 14, 2010. Permit Issued: October 27, 2010.

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

**09104116. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Washington Crossing National Cemetery in Upper Makefield Township, **Bucks County** with an expiration date of October 1, 2011. Permit issued: October 26, 2010.

**09104117. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for County View Sewage Treatment Plant in Warminster Township, **Bucks County** with an expiration date of October 1, 2011. Permit issued: October 26, 2010.

**22104116. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Hershey Next Century in Derry Township, **Dauphin County** with an expiration date of September 27, 2011. Permit issued: October 26, 2010.

**22104117. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Hershey Next Century in Derry Township, **Dauphin County** with an expiration date of September 27, 2011. Permit issued: October 26, 2010.

**36104160. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Eastern Shore Pipeline in West Sadsbury and Salisbury Townships, **Lancaster County** with an expiration date of October 22, 2011. Permit issued: October 26, 2010.

**36104161. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for

Woodcrest Retreat in East Cocalico Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued: October 26, 2010.

**36104162. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for George Raub Barn in Manor Township, **Lancaster County** with an expiration date of October 30, 2010. Permit issued: October 26, 2010.

**36104163. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Donegal Intermediate School in East Donegal Township, **Lancaster County** with an expiration date of October 26, 2011. Permit issued: October 28, 2010.

**36104164. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for a single dwelling in Warwick Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued: October 28, 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 Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E48-408. Nic Zawarski & Sons Developers, Inc.**, 1411 Linden Street, Bethlehem, PA 18018. Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a roadway crossing of a Tributary to Bushkill Creek consisting of an open bottom concrete arch culvert with a 48-foot span and a 10-foot underclearance, and to construct and maintain a 15-inch reinforced concrete pipe outfall in the floodway of the Tributary to Bushkill Creek. The encroachments are associated with the Knollwood Estates residential subdivision. The project is located approximately 0.10 mile east from its intersection of Bushkill Drive and Zuckville Road (Easton, PA-NJ Quadrangle Latitude: 40°43'10.8"; Longitude: -75°14'24.6"). Subbasin: 1F.

**E52-220. Peter M. Clauss**, 113 Shore Road, Tafton, PA 18464, Palmyra Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To maintain an 800 square foot irregular shaped floating wooden dock in Lake Wallenpaupack, extending into the lake approximately 90 feet and having a maximum width of approximately 24 feet. The project is located at 113 Shore Road (Hawley, PA Quadrangle Latitude: 41°25'39.5"; Longitude: -75°11'30.0") in Palmyra Township, Pike County. Subbasin: 1C.

**E40-711. Luzerne Conservation District**, 485 Smiths Pond Road Shavertown, PA 18708-9742. Luzerne Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a streambank stabilization project along a 1200-foot reach of Toby Creek (TSF) with work consisting of removing existing concrete walls and placing R-8 riprap along both banks of the stream. The left bank will contain a 7.2-foot wide bench elevated 2.5 feet above the streambed. Also, to construct and maintain an outfall to Toby Creek (TSF) consisting of a riprap lined V-shaped channel with riprap apron. The project is located on the northeast side of Main Street between its intersection with SR 0309 and Courtdale Avenue (Kingston, PA Quadrangle Latitude: 41°17'19"; Longitude: -75°54'14"). Subbasin: 5B.

**E39-501. Mr. Douglas J. Mussleman & Mrs. Jill L. Mussleman**, 5734 Snowy Orchid Lane, Allentown, PA 18104. Upper Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To fill 0.07 acre of isolated PSS wetland for the construction of a single family dwelling. The project is located within the residential development at Hopewell Woods, 556 Churchhill Lane, Lot #5 in Upper Macungie

Township, Lehigh County (Allentown West Quadrangle Lat.: 40°33'55"; Long.: -75°34'19"). Subbasin: 2C.

**E45-551. Brodhead Creek Regional Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain bank stabilization along 1,160 feet of Brodhead Creek (HQ-CWF), and its respective side channels with work consisting of placement of a 5-foot layer of R-8 riprap over geotextile. The project is located directly east of Youngwood Drive, approximately 0.45 mile east of the intersection of SR 191 (N. 5th Street) and SR 2022 (Stokes Ave) (East Stroudsburg, PA Quadrangle Latitude: 41°1'00"; Longitude: -75°12'00"). Subbasin: 1E.

**E64-286. Browndale Fire Company & Clinton Township Board of Supervisors**, P. O. Box 10, Browndale, Forest City, PA 18421. Clinton Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry fire hydrant in Elk Lake (HQ-CWF) for the purpose of local fire suppression. The project is located along Lizzy's Lane, approximately 750 feet south of its intersection with Elk Lake Road (Forest City, PA Quadrangle Latitude: 41°37'42.2"; Longitude: -75°23'17.5"). Subbasin: 1B.

**E64-285. Dominick P. & Iva A. Profaci**, 7 Gibbons Lane, New Paltz, NY 12561. Paupack Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an 80-foot long x 4-foot wide seasonal dock access ramp constructed on pads, a 10-foot long x 4-foot wide suspended gangway, a 40-foot long x 4-foot wide floating walkway and a 10-foot long x 20-foot wide floating dock extending approximately 130 feet from the shoreline of Lake Wallenpaupack (HQ-CWF). The project is located along the western shoreline of Lake Wallenpaupack, approximately 0.1 miles south of the intersection of S.R. 590 (Purdytown Pike) and Lake Shore Drive (Hawley, PA Quadrangle Latitude: 41°27'34.8"; Longitude: -75°11'23"). Subbasin: 1C.

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

**E18-454. PA DCNR Bureau of Forestry**, PO Box 8451, Harrisburg, PA 17105-8451. Trout Run Road Embankment Erosion Repair, in Leidy Township, **Clinton County**, ACOE Baltimore District (Hammersly Fork, PA Quadrangle N: 41°26'35.6"; W: 77°55'45.9").

To construct and maintain a bank stabilization project consisting of: 1) a 150-foot long R-7 riprap footer, 2) a 80-foot by 9-foot deep by 12-foot high gabion basket retaining wall with a 1:9.5 slope, 3) R-7 riprap bank protection above the wall to the edge of Trout Run Road, 4) a rock deflector vane upstream of the gabion baskets, 5) a 20-foot long seep channel change just upstream of the baskets to help keep the bank stabilization area drier, 6) the removal of two gravel bars measuring 742 cubic feet and 2,448 cubic feet, all of which is located 1 mile on Trout Run Road from Kettle Creek Park Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-436. Dominion Transmission, Inc.**, 5049 Route 349, Westfield, PA 16950-9659. Dominion Transmission Harrison Storage 2010 Pipeline Replacement Project in Harrison Township, **Potter County**, ACOE Baltimore District (Harrison Valley, PA Quadrangle Latitude: 41° 58' 14"; Longitude: 77° 42' 01").

Dominion Transmission, Inc. proposes to replace, operate and maintain 26,000-feet of its natural gas transmission pipeline for it Harrison Valley Storage Field Facility requiring encroachment of the following of twenty four (24) wetlands and ten (10) stream crossings:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
HP-1A3	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 40"	77° 41' 09"
HP-1A4	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 40"	77° 41' 09"
HP-1B	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 36"	77° 41' 14"
HP-1C	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 36"	77° 42' 13"
HP1/4	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 07"	77° 42' 18"
HP1/4	Pipeline Crossing	Wetland to Unnamed Tributary	CWF	41° 58' 40"	77° 41' 09"
HP-15A	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 54"	77° 42' 30"
HP-15B	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 53"	77° 42' 31"
HP-15C	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 49"	77° 42' 32"
HP-15D	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 46"	77° 42' 33"
HP-15E2	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 53"	77° 42' 32"
HP-15E1	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 44"	77° 42' 32"
HP-15F	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 40"	77° 42' 33"
HP34A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 09"	77° 41' 59"
HP-34B	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 57"	77° 41' 54"
HP-34C	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 06"	77° 41' 57"
HP-34D	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 01"	77° 41' 55"
HP34-E	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 54"	77° 41' 54"
HP-54A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 53"	77° 41' 53"
HP-34F	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 52"	77° 41' 54"
HP-34G	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 49"	77° 41' 58"
HP-35A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 05"	77° 42' 02"
HP-35B	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 06"	77° 44' 00"

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
HP54A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 09"	77° 41' 59"
HP-1	Pipeline & Temporary Road	North Branch Cowanesque	CWF	41° 58' 39"	77° 41' 09"
HP-1A	Pipeline & Temporary Road	Tributary to North Branch Cowanesque	CWF	41° 58' 36"	77° 41' 14"
HP-1B	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 11"	77° 42' 12"
HP-1C	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 13"
HP-1D	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 14"
HP-1E	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 16"
HP-1A	Pipeline & Temporary Road	Unnamed Tributary	CWF	41° 58' 07"	77° 42' 18"
HP-15	Pipeline & Temporary Road	Marsh Creek	CWF	41° 57' 43"	77° 42' 33"
HP-34A	Pipeline	Tributary to Marsh Creek	CWF	41° 58' 04"	77° 41' 56"
HP-34B	Pipeline	Tributary to Marsh Creek	CWF	41° 58' 03"	77° 41' 56"

Replacement of the gas transmission pipelines shall be accomplished in dry stream work conditions by dam and pumping or fluming stream flow around work areas. The project is located along the western right-of-way of SR 1019 approximately 2.4-miles north of SR 0049 and SR SR 1019 intersection.

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

**E02-1636. Allegheny County Department of Public Works**, County Office Building, 542 Forbes Avenue, Room 501, Pittsburgh, PA 15219. To construct an extension to the existing structure across the channel of Lick Run in South Park and Pleasant Hills Township and Baldwin Borough, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 14.7 inches; W: 15.7 inches; Latitude: 41° 19' 51"; Longitude: 79° 59' 14"). To remove various existing structures; to operate and maintain all of the remaining culvert structures; to construct and maintain an approximately 130 feet long extension, consisting of an open bottom arch culvert having a span of 20.0 feet and underclearance of 10.0 ft with an 100 feet long wing wall on the right downstream bank and a 30.0 feet long wing wall on the left downstream bank to an existing 60.0 feet long bridge located across the channel of Lick Run (Unnamed Tributary to Peters Creek) (TSF) for the purpose of widening Brownsville Road and improving highway safety; and to construct and maintain several outfall structures. To construct, operate, and maintain a 24 feet long 4 feet x 8 feet box culvert extension to an existing 4 feet by 8 feet box culvert located in an unnamed tributary of Lick Run; to relocate, operate, and maintain an existing 18 inch diameter culvert enclosure of an unnamed tributary of Lick Run; and to construct, operate, and maintain a rain garden along the floodway of an unnamed tributary of Lick Run. The project is located on Brownsville Road, approximately 180.0 feet north from the intersection of Brownsville Road

and Broughton Road in South Park Township, Pleasant Hills Township and Baldwin Borough, Allegheny County. To compensate for the stream impacts the applicant will remove an existing 30 feet long 30 inch diameter concrete culvert and stabilize the new stream channel in an unnamed tributary to Lick Run (TSF) located downstream of the new box culvert extension; to place and maintain 80 feet of live staking on the left bank side of Lick Run and 100 feet of live staking on the right bank side of Lick Run, both are located on the downstream end of the culvert extension; and a 140 feet long buffer area with plantings along the right bank side located approximately 100 feet downstream of the new culvert extension. 1019 intersection.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 # ESX10-081-0096  
Applicant Name Anadarko E&P Company, LP  
Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251  
County Lycoming  
Township(s) Cogan House Twp.  
Receiving Stream(s) and Classification(s) Wolf Run, UNT to Wendell Run, Bear Run

ESCGP-1 # ESX10-081-0092  
Applicant Name Anadarko E&P Company, LP  
Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251  
County Lycoming  
Township(s) Gamble  
Receiving Stream(s) and Classification(s) East Br. Murray Run, Murray Run, UNT to Wallis Run

ESCGP-1 # ESX10-081-0086  
Applicant Name Anadarko E&P Company, LP  
Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251  
County Lycoming  
Township(s) Cogan House Twp.  
Receiving Stream(s) and Classification(s) Second Fork Larrys Creek and UNT to Larrys Creek

ESCGP-1 # ESX10-115-0051  
Applicant Name Cabot Oil & Gas Corp.  
Contact Person Jeffrey Keim  
Address 5 Penn Center West, Ste 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Lenox Twp.  
Receiving Stream(s) and Classification(s) Sterling Brook, Nine Partners Creek, UNT to Partners Creek, UNT to Tunkhannock Creek

ESCGP-1 # ESX10-115-0053  
Applicant Name Cabot Oil & Gas Corp.  
Contact Person Jeffrey Keim  
Address 5 Penn Center West, Ste 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Dimock Twp.  
Receiving Stream(s) and Classification(s) UT to Meshopen Creek

ESCGP-1 # ESX10-115-0054  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Ext. 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna  
Township(s) Lathrop Twp.  
Receiving Stream(s) and Classification(s) Horton Creek, Tunkhannock Creek

ESCGP-1 # ESX10-115-0058  
Applicant Name Stone Energy Corporation

Contact Person Richard Toothman  
Address 6000 Hampton Center, Ste B  
City, State, Zip Morgantown, WV 26505  
County Bradford / Susquehanna  
Township(s) Stevens and Tuscarora Twps / Auburn and Rush Twps.

Receiving Stream(s) and Classification(s) UNT to Tansue Cr/Tuscarora Cr/Beaver Meadow Cr/Wyalusing Cr; Tuscarora Cr, Beaver Meadow, Wolf Cr, Wyalusing Cr, Susq. River

ESCGP-1 # ESX10-015-0311  
Applicant Name Talisman Energy  
Contact Person Eric Potter  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Wells Twp.  
Receiving Stream(s) and Classification(s) UNTs to Seely Creek

ESCGP-1 # ESG10-117-0194  
Applicant Name Ultra Resources, Inc.  
Contact Person Belinda Salinas  
Address 5 East Avenue #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Tioga  
Township(s) Gaines and Elk Twps.  
Receiving Stream(s) and Classification(s) Thompson Hollow, O'Connor Br, Left Branch unclassified

ESCGP-1 # ESG10-117-0198  
Applicant Name Ultra Resources, Inc.  
Contact Person Belinda Salinas  
Address 5 East Avenue #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Tioga  
Township(s) Gaines and Elk Twps.  
Receiving Stream(s) and Classification(s) Left Branch, O'Connor Branch

ESCGP-1 # ESG10-117-0195  
Applicant Name Ultra Resources, Inc.  
Contact Person Belinda Salinas  
Address 5 East Avenue #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Tioga  
Township(s) Elk Twp.  
Receiving Stream(s) and Classification(s) Thompson Hollow, O'Connor Branch

ESCGP-1 # ESX10-015-0284  
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 Satterlee Creek, Satterlee Creek

ESCGP-1 # ESX10-015-0301  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Rome Twp.  
Receiving Stream(s) and Classification(s) UNT of Parks Creek, Parks Creek

ESCGP-1 # ESX10-081-0032(01)  
Applicant Name XTO Energy, Inc.  
Contact Person Dewey Chalos

Address 810 Houston St  
 City, State, Zip Fort Worth, TX 76102  
 County Lycoming  
 Township(s) Franklin & Moreland Twps.  
 Receiving Stream(s) and Classification(s) UNTs to Little  
 Muncy Cr, Derr Run, German Run, Laurel Run; Little  
 Muncy Cr, German Run, Laurel Run

ESCGP-1 # ESX10-131-0026  
 Applicant Name Citrus Energy  
 Contact Person Kyle Johns  
 Address 2600 Network Blvd, Ste 400  
 City, State, Zip Frisco, TX 75034  
 County Wyoming  
 Township(s) Meshoppen Twp.  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River and Meshoppen Creek

ESCGP-1 # ESX10-081-0064  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) Tarklin Run and  
 UNT to Ramsey Run

ESCGP-1 # ESX10-081-0057  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Lewis Twp.  
 Receiving Stream(s) and Classification(s) Daugherty Run,  
 UNTs to Daugherty Run, Lycoming Creek

ESCGP-1 # ESX10-081-0065  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Lycoming Twp.  
 Receiving Stream(s) and Classification(s) UNT to Stony  
 Gap Run and UNT to Beauty's Run

ESCGP-1 # ESX10-081-0066  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Cogan House Twp.  
 Receiving Stream(s) and Classification(s) Roaring Run,  
 UNT to Larrys Creek, Larrys Creek

ESCGP-1 # ESX10-081-0051  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Moreland Twp.  
 Receiving Stream(s) and Classification(s) Sugar Run,  
 Miller Hollow

ESCGP-1 # ESX10-015-0234  
 Applicant Name Southwestern Energy Production  
 Company  
 Contact Person Jeffrey Sherrick  
 Address 2350 North Sam Houston Parkway E, Ste 125  
 City, State, Zip Houston, TX 77032

County Bradford  
 Township(s) Herrick Twp.  
 Receiving Stream(s) and Classification(s) Rummerfield  
 Creek, Cold Creek, Susquehanna River, Wyalusing  
 Creek

ESCGP-1 # ESX10-013-0002(01)  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext. Ste. 210  
 City, State, Zip Wexford, PA 15090  
 County Blair  
 Township(s) Juniata Twp.  
 Receiving Stream(s) and Classification(s) Blue Knob, Pop-  
 lar Run, Juniata River

ESCGP-1 # ESX10-117-173  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road, Ste 101  
 City, State, Zip Washington, PA 15301  
 County Tioga  
 Township(s) Duncan Twp.  
 Receiving Stream(s) and Classification(s) Sand Run

ESCGP-1 # ESX10-033-0003(03)  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road, Ste 101  
 City, State, Zip Washington, PA 15301  
 County Clearfield  
 Township(s) Ferguson Twp.  
 Receiving Stream(s) and Classification(s) Snyder Run,  
 Tuckers Run, Woods Run, Barrett Run, Watts Creek,  
 Chest Creek, Little Clearfield Creek

ESCGP-1 # ESX10-015-0243  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845-1015  
 County Bradford  
 Township(s) Monroe Twp.  
 Receiving Stream(s) and Classification(s) South Branch  
 Towanda Creek

ESCGP-1 # ESX10-115-0032  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845-1015  
 County Susquehanna  
 Township(s) Auburn Twp.  
 Receiving Stream(s) and Classification(s) Little Meshop-  
 pen Creek, Carter Creek, Tribs. to Little Meshoppen  
 Creek, Baker Creek

ESCGP-1 # ESX10-105-0017  
 Applicant Name Penn Virginia Oil & Gas Corp.  
 Contact Person Michael Stamper  
 Address 1000 Town Center Way, Ste 210  
 City, State, Zip Canonsburg, PA 15317  
 County Potter  
 Township(s) Allegany Twp.  
 Receiving Stream(s) and Classification(s) Allegheny River

ESCGP-1 # ESX10-027-0014  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Centre  
 Township(s) Boggs Twp.  
 Receiving Stream(s) and Classification(s) Council Run,  
 Laurel Run, Beech Creek, and Marsh Creek

ESCGP-1 # ESX10-081-0074  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Lycoming  
 Township(s) McHenry Twp.  
 Receiving Stream(s) and Classification(s) UNT Robbins Run, Robbins Run

ESCGP-1 # ESX10-035-0008  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Clinton  
 Township(s) Grugan and Chapman Twps.  
 Receiving Stream(s) and Classification(s) East Branch Hyner Run, Right Branch Hyner Run, Hyner Run

ESCGP-1 # ESX10-081-0067  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Lycoming  
 Township(s) Watson and Cummings Twps.  
 Receiving Stream(s) and Classification(s) UNT to Gamble Run, Gamble Run, Pine Creek

ESCGP-1 # ESX10-081-0080  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Lycoming  
 Township(s) Cogan House Twp.  
 Receiving Stream(s) and Classification(s) Steam Valley Run, Larrys Creek, Trout Run, W. Br. Susquehanna River

ESCGP-1 # ESX10-131-0028  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845-1015  
 County Wyoming  
 Township(s) Meshoppen Twp.  
 Receiving Stream(s) and Classification(s) Black Walnut Creek, UNT to Black Walnut Creek, Tribs to Susquehanna River

ESCGP-1 # ESX10-015-0265  
 Applicant Name Talisman Energy  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford and Susquehanna  
 Township(s) Pike Twp (Bradford); Middletown Twp. (Susquehanna)  
 Receiving Stream(s) and Classification(s) UNT to Ross Creek, UNT to Gaylord Creek

ESCGP-1 # ESX10-105-0023  
 Applicant Name SM Energy Co.  
 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) UNT to East Branch Cowley Run, Mackey Hollow, Little Portage Creek, Cowley Run

ESCGP-1 # ESX10-015-0254  
 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) Spaulding Creek

ESCGP-1 # ESX10-015-0256  
 Applicant Name Chesapeake Appalachia, LLC  
 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) UNT to Bennetts Creek, Bennetts Creek

ESCGP-1 # ESX10-015-0262  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Rome Twp.  
 Receiving Stream(s) and Classification(s) UNT of Bullard Creek, Bullard Creek

ESCGP-1 # ESX10-015-0263  
 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 Johnson Creek, Johnson Creek

ESCGP-1 # ESX10-115-0043  
 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) UNT to Wyalusing Creek, Wolf Creek, Wyalusing Creek

ESCGP-1 # ESX10-115-0042  
 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) Deer Lick Creek, UNT Elk Lake Stream, East Branch Wyalusing Creek

ESCGP-1 # ESX10-115-0039  
 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) UNT to Wyalusing Creek and UNT to Deer Lick Creek, East Branch Wyalusing Creek

ESCGP-1 # ESX10-081-0078  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski



Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) First Fork Lar-  
 rys Creek, Pond Lick Cove, and Tarklin Run

ESCGP-1 # ESG10-081-0068  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Lycoming  
 Township(s) Anthony, Cogan House, Lycoming Twps.  
 Receiving Stream(s) and Classification(s) Roaring Run,  
 Little Gap Run, Stony Gap Run, Hoagland Run

ESCGP-1 # ESG10-015-0203  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Monroe Twp.  
 Receiving Stream(s) and Classification(s) Towanda Creek

ESCGP-1 # ESX10-117-0189  
 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 Creek/Susquehanna R. Basin in PA, Tioga  
 River, Catlin Hollow

ESCGP-1 # ESX10-117-0191  
 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 Corey  
 Creek / Susquehanna River Basin in PA—Tioga River,  
 Corey Creek to the Tioga River

ESCGP-1 # ESX10-117-0192  
 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) E. Branch Stony  
 Fork/W. Br. Susquehanna River Basin

ESCGP-1 # ESX10-117-0196  
 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) UNTs to North  
 Elk Run / Tioga River Basin, North Elk Run, Elk Run,  
 Tioga River

ESCGP-1 # ESX10-117-0193  
 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) UNTs to Wilson  
 Creek, Wilson Creek, W. Br. Susquehanna River Basin,  
 Babb Creek, Pine Creek

ESCGP-1 # ESX10-117-0197  
 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 Hills  
 Creek, Susquehanna River Basin, Hills Creek

ESCGP-1 # ESX10-117-0188  
 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) Duncan Twp.  
 Receiving Stream(s) and Classification(s) UNT to Wilson  
 Creek, Susquehanna River Basin in PA, W. Br.  
 Susquehanna River, Wilson Creek

ESCGP-1 # ESX10-115-0041  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Jeffrey Keim  
 Address Five Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Lothrop and Springville Twps.  
 Receiving Stream(s) and Classification(s) UNTs to Horton  
 Creek

ESCGP-1 # ESX10-115-0044  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Jeffrey Keim  
 Address Five Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Dimock Twp.  
 Receiving Stream(s) and Classification(s) UNTs to  
 Meshoppen Creek

ESCGP-1 # ESX10-015-0257  
 Applicant Name EOG Resources, Inc  
 Contact Person Nathan Wells  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Ridgebury Twp.  
 Receiving Stream(s) and Classification(s) Bentley Cr,  
 Terwiliger Creek

ESCGP-1 # ESX10-081-0075  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext., Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Lycoming  
 Township(s) Franklin Twp.  
 Receiving Stream(s) and Classification(s) UNT to Beaver  
 Run, Little Muncy Creek

ESCGP-1 # ESX10-117-0178  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road, Ste 101  
 City, State, Zip Washington, PA 15301  
 County Tioga  
 Township(s) Morris Twp.

Receiving Stream(s) and Classification(s) UNT of Paint Run, Rattler Run, Basswood Run, Wilson Creek

ESCGP-1 # ESX10-081-0079

Applicant Name PVR Marcellus Gas Gathering, LLC  
Contact Person Jeffrey Searfoss  
Address 25 W Third St, 100 Penn Tower, Ste 201 and 202  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Watson, Mifflin, and Cummings Twps.  
Receiving Stream(s) and Classification(s) Larrys Creek and Tombs Run

ESCGP-1 # ESX10-081-0077

Applicant Name PA General Energy Company, LLC  
Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Lycoming  
Township(s) McHenry and Cummings Twps.  
Receiving Stream(s) and Classification(s) Boone Run, Dry Run, UNT Callahan Run, UNT Pine Creek, UNT Little Pine Creek, Pine Creek, Little Pine Creek

ESCGP-1 # ESX10-105-0020

Applicant Name PA General Energy Company, LLC  
Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Potter  
Township(s) Pleasant Valley Twp.  
Receiving Stream(s) and Classification(s) Bear Creek to Sartwell Creek, Allegheny River

ESCGP-1 # ESX10-105-0021

Applicant Name PA General Energy Company, LLC  
Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Potter  
Township(s) Pleasant Valley Twp.  
Receiving Stream(s) and Classification(s) Bear Creek to Sartwell Creek, Allegheny River

ESCGP-1 # ESX10-081-0083

Applicant Name Range Resources—Appalachia, LLC  
Contact Person Carla Suszkowski  
Address 380 Southpointe Blvd  
City, State, Zip Canonsburg, PA 15317  
County Lycoming  
Township(s) Lewis Twp.  
Receiving Stream(s) and Classification(s) Trout Run, Breeing Hollow, and UNT to Wolf Run, Lycoming Creek

ESCGP-1 # ESX10-081-0094

Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Ste 210  
City, State, Zip Wexford, PA 15090  
County Lycoming  
Township(s) Franklin Twp.  
Receiving Stream(s) and Classification(s) UNT to Beaver Run, Little Indian Run, Little Muncy Creek

ESCGP-1 # ESX10-015-0306

Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Ste 210  
City, State, Zip Wexford, PA 15090  
County Bradford  
Township(s) Asylum Twp.  
Receiving Stream(s) and Classification(s) UNT to Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-117-0217

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) Charleston Creek, W. Br. Susquehanna R. Basin, Marsh Creek, Pine Creek, W. Br. Susquehanna River

ESCGP-1 # ESX10-015-0255

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845-1015  
County Bradford  
Township(s) Troy Twp.  
Receiving Stream(s) and Classification(s) Canfield Run, Mud Creek, Sugar Creek, Van Horn Glen Run

ESCGP-1 # 17-09-801(01) PHASE 6A

Applicant Name EOG Resources, Inc  
Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, Ste 300  
City, State, Zip Canonsburg, PA 15317  
County Clearfield  
Township(s) Lawrence Twp.  
Receiving Stream(s) and Classification(s) Coldstream, Little Laurel Run

ESCGP-1 # ESX10-015-0258

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

ESCGP-1 # 17-09-801(01) PHASE 4A & 4B

Applicant Name EOG Resources, Inc  
Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, Ste 300  
City, State, Zip Canonsburg, PA 15317  
County Clearfield  
Township(s) Lawrence and Pine Twps.  
Receiving Stream(s) and Classification(s) Coldstream, Stone Run, Lick Run, Anderson Creek, Laurel Run

ESCGP-1 # ESX10-015-0259

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, Terwiliger Creek

ESCGP-1 # ESX10-113-0022

Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Ste 210  
City, State, Zip Wexford, PA 15090  
County Sullivan  
Township(s) Shrewsbury Twp.  
Receiving Stream(s) and Classification(s) Ticklish Run & Rock Run, Muncy Creek

ESCGP-1 # ESX10-015-0264

Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Ste 210

City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Franklin & West Burlington Twps.  
 Receiving Stream(s) and Classification(s) UNT N. Branch  
 Towanda Creek, Susquehanna River Basin

ESCGP-1 # ESX10-081-0081  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext., Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Lycoming  
 Township(s) Cogan House Twp.  
 Receiving Stream(s) and Classification(s) Roaring Run,  
 Larrys Creek

ESCGP-1 # ESX10-113-0026  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext., Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Sullivan  
 Township(s) Elkland Twp.  
 Receiving Stream(s) and Classification(s) UNT to Elk  
 Creek, Elk Creek

ESCGP-1 # ESX10-015-0272  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext., Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Asylum Twp.  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-115-0037  
 Applicant Name Cabot Oil & Gas Corp.  
 Contact Person Brett Thomas  
 Address RR6 Box 6100  
 City, State, Zip Montrose, PA 18801  
 County Susquehanna  
 Township(s) Auburn Twp.  
 Receiving Stream(s) and Classification(s) UNT to Riley  
 Creek

ESCGP-1 # ESX10-115-0034  
 Applicant Name Cabot Oil & Gas Corp.  
 Contact Person Brett Thomas  
 Address RR6 Box 6100  
 City, State, Zip Montrose, PA 18801  
 County Susquehanna  
 Township(s) Auburn and Dimock Twps.  
 Receiving Stream(s) and Classification(s) UNT to Riley  
 Creek and West Creek

ESCGP-1 # ESX10-117-0203  
 Applicant Name East Resources Management, LLC  
 Contact Person Jefferson Long  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming and Tioga  
 Township(s) McNett Twp (Lycoming); Union Twp. (Tioga)  
 Receiving Stream(s) and Classification(s) Lycoming Cr, E  
 Br. Sugar Works Run, Trib to Sugar Works Run, Trib.  
 to Lycoming Creek

ESCGP-1 # ESX10-117-0202  
 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) West Mill Creek

ESCGP-1 # ESG10-115-0038  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna  
 Township(s) Lathrop Twp.  
 Receiving Stream(s) and Classification(s) Horton Creek,  
 UNT Horton Creek

ESCGP-1 # ESX10-015-0282  
 Applicant Name Talisman Energy  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Warren Twp.  
 Receiving Stream(s) and Classification(s) Corbin Creek,  
 UNT to Corbin Creek

ESCGP-1 # ESX10-115-0045  
 Applicant Name Talisman Energy  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Rush Twp.  
 Receiving Stream(s) and Classification(s) UNT to Gaylord  
 Creek

ESCGP-1 # ESX10-027-0016  
 Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 579 Hoffman Drive  
 City, State, Zip Karthaus, PA 16845  
 County Centre  
 Township(s) Rush Twp.  
 Receiving Stream(s) and Classification(s) UNT to  
 Moshannon Creek, Moshannon Creek

ESCGP-1 # ESX10-027-0004(02)  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Ste 200  
 City, State, Zip Warrendale, PA 15086  
 County Centre  
 Township(s) Burnside Twp.  
 Receiving Stream(s) and Classification(s) Miles Run, Ster-  
 ling Run

ESCGP-1 # ESX10-015-0277  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Rome Twp.  
 Receiving Stream(s) and Classification(s) Parks Creek,  
 Wysox Creek

ESCGP-1 # ESX10-015-0269  
 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  
 Receiving Stream(s) and Classification(s) UNT to Cash  
 Creek, Cash Creek

ESCGP-1 # ESX10-015-0270  
 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  
 Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-113-0025  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Lycoming and Sullivan  
 Township(s) Shrewsbury Twp (Hughesville); Shrewsbury  
 (Laporte)  
 Receiving Stream(s) and Classification(s) UNT to Ogdonia  
 Creek, Lake Run, Bear Creek, Ogdonia Creek

ESCGP-1 # ESX10-113-0023  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan  
 Township(s) Cherry Twp.  
 Receiving Stream(s) and Classification(s) UNTs to  
 Loyalsock Creek/Birch Creek; Loyalsock Creek

ESCGP-1 # ESX10-015-0268  
 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) UNTs to  
 Towanda Creek/Towanda Creek

ESCGP-1 # ESX10-015-0307  
 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) (2) UNTs to  
 Laning Creek, Laning Creek

ESCGP-1 # ESX10-015-0304  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Windham Twp.  
 Receiving Stream(s) and Classification(s) UNTs of Cold  
 Brook and Wappasening Creek, Cold Brook and Wap-  
 pasening Creek

ESCGP-1 # ESX10-015-0316  
 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) UNT to Tomjack  
 Creek, Tomjack Creek

ESCGP-1 # ESX10-081-0097  
 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) Plunketts Creek Twp.  
 Receiving Stream(s) and Classification(s) King Run and  
 UNT to King Run

ESCGP-1 # ESX10-105-0027  
 Applicant Name Triana Energy, LLC  
 Contact Person Rachelle King  
 Address 900 Virginia Street East, Suite 400  
 City, State, Zip Charleston, WV 25301  
 County Potter  
 Township(s) Hebron Twp.  
 Receiving Stream(s) and Classification(s) UNT to Fishing  
 Creek, Fishing Creek

ESCGP-1 # ESG10-117-0170  
 Applicant Name Ultra Resources, Inc.  
 Contact Person Belinda Salinas  
 Address 5 East Avenue #108  
 City, State, Zip Wellsboro, PA 16901-1613  
 County Tioga  
 Township(s) Gaines Twp.  
 Receiving Stream(s) and Classification(s) Madison Hollow,  
 Deer Lick Hollow, Lick Run

ESCGP-1 # ESX10-131-0030  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Jeffrey Searfoss  
 Address 25 W. Third St., Ste 201 & 202  
 City, State, Zip Williamsport, PA 17701  
 County Wyoming  
 Township(s) Washington Twp.  
 Receiving Stream(s) and Classification(s) UNTs to  
 Susquehanna River

ESCGP-1 # ESX10-131-0031  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Jeffrey Searfoss  
 Address 25 W. Third St., Ste 201 & 202  
 City, State, Zip Williamsport, PA 17701  
 County Wyoming  
 Township(s) Washington and Meshoppen Twps.  
 Receiving Stream(s) and Classification(s) UNTs to  
 Susquehanna River

ESCGP-1 # ESX10-081-0082  
 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) King Run, UNT  
 to Wallis Run

ESCGP-1 # ESX10-081-0076  
 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) McHenry Twp.  
 Receiving Stream(s) and Classification(s) First Big Fork,  
 Trout Run, Pine Creek

ESCGP-1 # ESX10-115-0040  
 Applicant Name Williams Production Appalachia LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Ste 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Franklin Twp.  
 Receiving Stream(s) and Classification(s) UNT to Silver  
 Creek, Snake Creek Basin

ESCGP-1 # ESG10-113-0019  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Sullivan  
 Township(s) Davidson Twp.  
 Receiving Stream(s) and Classification(s) Muncy Creek,  
 UNT to Muncy Creek, W. Br. Susquehanna R

ESCGP-1 # ESG10-113-0027  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Sullivan  
 Township(s) Forks and Elkland Twps.  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Loyalsock Creek, W. Br. Susquehanna R.

ESCGP-1 # ESX10-117-0005(01)  
 Applicant Name Novus Operating, LLC  
 Contact Person Jim Wood  
 Address 2963 Ruger Drive  
 City, State, Zip Royse City, TX 75189  
 County Tioga  
 Township(s) Sullivan Twp.  
 Receiving Stream(s) and Classification(s) Canoe Camp

ESCGP-1 # ESX10-015-0278  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845-1015  
 County Bradford  
 Township(s) Monroe and Towanda Twps.  
 Receiving Stream(s) and Classification(s) UNT to  
 Towanda Creek, UNTS to South Br. Towanda Cr

ESCGP-1 # ESX10-117-0199  
 Applicant Name Seneca Resources Corp.  
 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) UNT to Elk Run  
*Northwest Region: Oil and Gas Program Manager 230  
 Chestnut St. Meadville, PA 16335*

ESCGP-1 #ESG10-123-0004—Mohawk Lease  
 Applicant B&B Resources  
 Contact Alan Baldensperger  
 Address 12 Riverside Drive  
 City Warren State PA Zip Code 16365  
 County Warren Township(s) Pleasant(s)  
 Receiving Stream(s) and Classification(s) UNT of Sill  
 Run—CWF

ESCGP-1 #ESX10-123-0007—Carlson Lease  
 Applicant Catalyst Energy, Inc.  
 Contact Douglas Jones  
 Address 800 Cranberry Woods Drive, Suite 290  
 City Cranberry Township State PA Zip Code 16066  
 County Warren Township(s) Sugar Grove(s)  
 Receiving Stream(s) and Classification(s) Patchen Run,  
 Middle Allegheny—Tionesta Watershed—CWF

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## SPECIAL NOTICES

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### Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO<sub>x</sub>), particulate matter (PM), PM-10 and PM-10 precursors.

The Pennsylvania Department of Environmental Protection (PADEP) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To “net-out” of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or U.S. Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select Air, Bureau of Air Quality, Permits, Emission Reduction Credits.

## NOTICES

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero Telephone Number: (570) 833-3285	NOx	91.10		Internal Use
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading
INDSPEC Chemical Corp. Source: Boiler # 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx SOx	158.68 717.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini Telephone Number: (610) 859-1000	VOCs	147.93		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Kasey Gabbard Telephone Number: (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Kasey Gabbard Telephone Number: (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
General Electric Transportation System Source: Boiler # 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo Telephone Number: (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat Telephone Number: (651)-778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Recipient/Holder of ERC: GMI Land Company, LLC ERC Generating Facility: Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Michael Carlow Telephone Number: (412) 771-2019	NOx	410.00	04/24/2011	Trading
Recipient/Holder of ERC: Robert O Lampl ERC Generating Facility: Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Robert O Lampl Telephone Number: (412) 392-0330	PM10 SOx CO	61.00 442.00 44.00	04/24/2011	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Paul D. Jones Telephone Number: (415) 768-2281	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer Telephone Number: (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis Telephone Number: (215) 785-8871	VOCs	0.32	01/30/2011	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	43.00	01/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	70.00	01/31/2012	Traded
Recipient/Holder of ERC: Elements Markets, LLC ERC Generating Facility: The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Mike Taylor Telephone Number: (281) 207-7207	PM2.5	1.01 2.45 12.53 0.24	12/26/2010 4/15/2011 7/15/2011 7/27/2011	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer Telephone Number: (717) 731-3334	NOx	3.19	7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak Telephone Number: (215) 884-8800	NOx VOCs	2.72 0.21	12/31/2010 12/31/2010	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. Telephone Number: (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett Telephone Number: (412) 553-2094	VOCs VOCs VOCs VOCs	59.30 7.80 0.60 121.40	03/11/2012 04/01/2012 04/05/2012 05/01/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer Telephone Number: (717) 792-8104	VOCs	9.60	01/15/2012	Trading



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	VOCs	42.61	03/29/2012	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski Telephone Number: (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer Telephone Number: (626) 398-2773	VOCs	3.13	06/30/2012	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss Telephone Number: (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo Telephone Number: (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett Telephone Number: (724) 489-2288	NOx	251.43		Trading
Pittsburgh Glass Works LLC. Source Location: Meadville Works 8, Greenwood Twp County: Crawford Contact Person: David Vogt Telephone Number: (814) 336-8326	NOx	1118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman Telephone Number: (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith Telephone Number: (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Allyson Bristow Telephone Number: (901) 419-4852	VOCs	72.06		Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
International Paper Source Location: Erie Mill County: Erie Contact Person: Allyson Bristow Telephone Number: (901) 419-4852	NOx VOCs	864.00 707.00	09/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Steven Ritter Telephone Number: (607) 974-7247	NOx	1042.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th & Wharton St County: Philadelphia Contact Person: Mark Gardiner Telephone Number: (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro Telephone Number: (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler Telephone Number: (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal use/ Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Allyson Bristow Telephone Number: (901) 419-4852	NOx VOC SOx	1287.00 27.90 6606.00	03/22/2012	Offsets / Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher Telephone Number: (570) 326-2461 ext 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney Telephone Number: (570) 523-2356	VOCs	82.90	03/15/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact Person: John Tissue Telephone Number: (610) 765-5495	NOx SO2 PM10 PM2.5 CO	205.5 412.2 31.2 22.3 31.7	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson Telephone Number: (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, L.P. Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel Telephone Number: (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow St, Adamstown County: Lancaster Contact Person: David L. Wails Telephone Number: (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer Telephone Number: (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell Telephone Number: (717) 396-3668	VOC NOx	31.79 1.9	11/15/2014 08/20/2014	Internal use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith Telephone Number: (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks Telephone Number: (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading / Internal use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer Telephone Number: (570) 275-1400, Ext 1400	VOC	7.29	09/01/2015	Trading
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt Telephone Number: (724) 597-8193	NOx VOCs SOx PM10 PM2.5 Lead	1043.00 5.32 5197.00 155.6 70.1 0.02	9/28/2012	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Arbill Industries, Inc Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman Telephone Number: (800) 523-53673	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Dominion Transmission Inc Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa Telephone Number: (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman Telephone Number: (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source location: 1101 William Flynn Hwy, Glenshaw PA 15116 County: Allegheny Contact Person: Harry Klodowski Telephone Number: (724) 940-4000	VOC NOx SOx PM- 2.5 PM-10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal use
Cinram Manufacturing LLC Source location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer Telephone Number: (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal use
Bemis Company, Inc Source location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko Telephone Number: (570) 501-1429	VOC	22.27	01/1/2016	Trading
Techneglas, Inc Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. Telephone Number: (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading
Horsehead Corporation (Zinc Corp of America) Source: Acid Roaster Plant- Monaca Smelter Source Location: Monaca County: Beaver Contact Person: William N. Bailey Telephone Number: (724) 773-9057	NOx SOx PM10 PM2.5 CO	3.3 382.5 9.4 3.2 1.4	10/23/2012	Netting/ Offsetting
Recipient/Holder of ERC: Natsource MAC 77, Ltd ERC Generating Facility: Eljer Plumbingware Inc Source Location: Ford City Plant County: Armstrong Contact Person: Mithun Rathore Telephone Number: (281) 340-8300	NOx NOx VOCs VOCs VOCs	49.74 55.48 3.22 2.64 1.40	6/8/2014 10/4/2014 3/15/2014 6/8/2014 10/4/2014	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Bluegrass Folding Carton Company, LLC (Formerly Smurfit Stone Container Enterprises, Inc) Source Location: Upper Providence Township County: Montgomery Contact Person: Tom Tutwiler Telephone Number: (610) 935-4119	VOC	60.36	05/31/2015	Internal use/ Trade
Fleetwood Industries Source Location: St Lawrence Plant County: Berks Contact Person: Robert Mervine Telephone Number: (610) 779-7700	VOC	24.5	07/31/2015	Internal use/ Trade
Sunoco Inc. (R&M) Source Location: 200 Neville Road, Pittsburg, PA 15225 County: Allegheny Contact Person: Gary P. Rabik Telephone Number: (610) 859-3435	VOC	25.16	04/01/2017	Trading / Internal use
Leggett & Platt Inc Source location: Zell Brothers County: York Contact Person: Theresa Block Telephone Number: 417-358-8131	VOC	6.51	11/01/2015	Trading
Anchor Glass Container Corporation Source Location: Plant No 5 County: Fayette Contact Person: Joseph G. Clemis Telephone Number: (813) 884-0000	VOCs NOx PM-10 PM-2.5 SOx CO	21.0 309.0 68.0 51.0 259.0 20.0	11/04/2014	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster East Facility County: Lancaster Contact Person: Stacey Haefner Telephone Number: 717-293-2363	VOCs VOCs	7.8 10.5	11/30/2015 12/31/2015	Trading
Philadelphia Gas Works (PGW) Source Location: Richmond Plant County: Philadelphia Contact Person: Megan E. Brown Telephone number: 215-684-6613	NOx VOC PM10 PM2.5 SO2 CO	47.86 6.54 0.56 0.56 0.16 22.48	1/1/2015	Trading
Ashland Inc (Ashland Performance Products) Source Location: Neville Island Facility, Pittsburg County: Allegheny Contact Person: Tara L. Lanier Telephone number: 614-790-3214	NOx VOC CO	10.73 41.78 461.00	11/1/2011	Trading
Philadelphia Baking Company Source Location: 2550 Grant Avenue County: Philadelphia Contact Person: Brent Williams Telephone number: 410-266-0006	NOx VOC PM10 SOx CO	4.09 24.2 0.10 0.02 1.33	9/21/2017	Trading

## NOTICES

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Lindy Paving, Inc Source Location: 200 Neville Island Facility County: Allegheny Contact Person: Paul J. Reiner, Jr Telephone number: 412-281-4389	NOx VOC PM10 PM2.5 SOx CO	6.85 9.10 5.71 1.77 0.66 18.78	10/27/2017	Trading / Internal use
Recipient/Holder of ERC: Dominion Transmission, Inc. ERC Generating Facility: Corning, Inc Source Location: College Township County: Centre Contact Person: Roberta J. Jackson Telephone Number: (804) 787-6145	NOx	108	06/23/2013	Trading / Use
Eastman Chemical Resins, Inc Source Location: Jefferson Facility, West Elizabeth County: Allegheny Contact Person: Fred Mullner Telephone number: (412) 384-2520 x 2201	NOx VOC PM2.5 CO	0.50 31.10 2.90 0.40	7/01/2014	Trading
CNH America LLC Source Location: Belleville Plant, Union Township County: Mifflin Contact Person: Audrey Van Dyke Telephone Number: (262)636-6073	VOC	39.11	8/01/2018	Trading
Masonic Homes Source Location: One Drive, Elizabethtown County: Lancaster Contact Person: Jeffrey Gromis Telephone Number: (717) 367-1121 Ext 33158	NOx VOC PM2.5 PM10	7.6 3.1 13.0 14.0	12/31/2012	Trading
Foamex, L.P. Source Location: 1500 East 2nd Street, Eddystone County: Delaware Contact Person: John F. McLaverty Telephone Number: (610) 245-2765	NOx VOC SOx CO	7.67 84.25 1.03 26.93	12/31/2018	Trading
Norcross Safety Products Source Location: US RT 1 at Brinton Lake Rd, Concordville County: Delaware Contact Person: Anthony Ricci Telephone Number: 401-275-2432	VOC	7.62	03/27/2017	Trading
NVF Company Source Location: 400 Mulberry St, Kennett Square County: Chester Contact Person: William Campbell Telephone Number: (302) 239-5281 ext 317	NOx VOC SOx	18.86 34.05 28.42	01/31/2015	Trading
P.H.Glatfelter Company Source Location: 228 South Main St, Spring Grove County: York Contact Person: Jonathan E. Moores Telephone Number: (717) 225-4711 X 2395	SOx	428.00		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
The Hershey Company Source Location: Derry Township Plant County: Dauphin Contact Person: Charles Stoner Jr. Telephone number: 717-534-4692	VOC NOx PM10 PM2.5 CO	37.00 4.00 44.50 8.00 4.90	7/01/2018	Trading
The Hershey Company Source Location: Reading Plant County: Berks Contact Person: Charles Stoner Jr. Telephone number: 717-534-4692	VOC PM10 PM2.5	5.36 24.63 4.43	5/01/2019	Trading
World Kitchen, Inc.(formerly Corning) Source Location: Charleroi Plant County: Washington Contact Person: Tony Pane Telephone Number: (724) 489-2255	NOx	42.00	03/31/2012	Trading/ Internal Use
Bellefield Boiler Plant Source Location: 4400 Forbes Ave, Pittsburgh County: Allegheny Contact Person: Tim Mahaney Telephone Number: (412) 622-3346	PM10 PM2.5 SOx	78.5 66.9 735.2		Trading/ Internal Use
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Wayne Station, Cochranon County: Crawford Contact Person: Keith A. Schmidt Telephone Number: (724) 597-8193	NOx VOCs CO SOx PM10	57.10 6.40 0.50 15.3 0.80	02/21/2014	Trading
Texas Eastern Transmission, L.P. Source Location: Holbrook Station, Wind Ridge County: Greene Contact Person: Mathew J. Myers Telephone Number: (412) 375-3064	NOx VOC PM CO	117.00 11.00 4.00 24	09/15/2019	Trading/ Internal Use

### Bureau of Air Quality Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental

#### ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: International Paper-Erie

Location of Source: 1540 East Lake Road, Erie, PA 16533

Certified ERCs (tpy): 1235 tpy of NOx and 990 tpy of VOC ERCs

Amount of ERCs traded to Purchaser/Recipient: 47 tpy of VOC; 75tpy of VOC; 57 tpy of NOx; 64 tpy of NOx : 250 tpy of NOx & 140 tpy of VOC

Date of ERCs Transfer: 08/17/2004; 4/1/2009; 4/2/2009; 5/27/2009 : 5/12/2010; 10/12/2010

ERCs available for future use: 864 tpy of NOx and 707 tpy of VOC

ERC Expiration date: 9/30/2012

Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code Section 127.208.

#### PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: CraftMaster Manufacturing, Inc

Location of Source: PO Box 311, Shiner Road, Towanda, PA 18848

Plan Approval Number:08-0003A

VOC credits used: 0 tpy

VOC credits available for future use: 47 tpy

#### PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: GE Transportation

Location of Source: 2901 East Lake Road, Erie, PA 16531

Plan Approval Number:25-025N

VOC credits used: 0 tpy

VOC credits available for future use: 75 tpy

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: CraftMaster Manufacturing, Inc  
Location of Source: PO Box 311, Shiner Road, Towanda, PA 18848  
Plan Approval Number:08-00003F  
NOx credits used: 0 tpy  
NOx credits available for future use: 57 tpy  
PURCHASER/RECIPIENT OF ERCs

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Penn State  
Location of Source: 113 office of Physical Plant, University Park, PA 16802  
Plan Approval Number:14-0003D  
NOx credits used: 0 tpy  
NOx credits available for future use: 64 tpy

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: AK Steel Corporation  
Location of Source: Butler Works, Pittsburgh Road, Butler, PA 16001  
Plan Approval Number: Nil  
NOx credits used: 0 tpy  
ERCs available for future use: 250 tpy of NOx & 140 tpy of VOC

## PURCHASER/HOLDER RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Element Markets, LLC  
Location of Source: 3555 Timmons Lane, Suite 900, Houston, TX 77027  
Plan Approval Number: Nil  
VOC credits used: 0 tpy  
ERCs available for future use: 21 tpy

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Holder Recipient of ERCs: Dominion Transmission, Inc  
Location of Recipient: 3555 Timmons Lane, Suite 900, Houston, TX 77027  
Location of using Source: Rock Spring Station, Delmont, Westmoreland, PA  
Date of ERCs Transfer: 10/13/2010  
Plan Approval Number: Nil  
VOC credits used: 0 tpy  
ERCs available for future use: 21 tpy

## GENERATING FACILITY INFORMATION

ERC Generating Facility Name: INDSPEC Chemical Corporation  
Location of Source: Delaware 133 Main St, Petrolia, PA  
Certified ERCs (tpy): 158.68tpy of NOx & 1217.95 tpy of SO2  
Amount of ERCs traded to Purchaser/Recipient: 500 tpy of SO2  
Date of ERCs Transfer: 07/27/2010  
ERCs available for future use: 158.68tpy of NOx & 717.95 tpy of SO2  
Expiration Date: Nil

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: AK Steel Corporation  
Location of Purchaser: Butler Works  
Location of User Source: Butler County, PA  
SO2 credits to be used: 500 Tpy  
SO2 credits available for use: 500 Tpy  
Expiration Date: Nil

## ERC HOLDER/GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Kosmos Cement Company, Cemex Inc.  
Recipient/ Holder: GMI Land Company, LLC  
Location of Source: Neville Road, Pittsburgh, PA 15225  
Certified ERCs (tpy): 910.00 tpy of NOx, 26.00 tpy of VOCs, 442.00 tpy of SOx and 61 .00 tpy of PM10  
Amount of ERCs traded to Purchaser/Recipient: 26 tpy of VOCs; 442.00 tpy of SOx and 61 .00 tpy of PM10 ; 500 tpy NOx  
Date of ERCs Transfer: 09/29/2010; 10/18/2010; 10/19/2010  
ERCs available for future use: 410.00 tpy of NOx,  
Expiration Date: 04/24/2011

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Holder Recipient of ERCs: Element Markets LLC, Houston, TX 77027  
Location of Source: NA  
Amount of ERCs traded to Purchaser/Recipient: 26 tpy of VOCs  
Permit Number/ Intended Use: NA  
NOx credits used: NIL  
ERCs available for future use: 26.00 Tpy



## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Element Markets LLC, Houston, TX 77027  
 Purchaser/Recipient of ERCs: Dominion Transmission, Inc  
 Location of using Source: Rock Spring Station, Delmont, Westmoreland, PA  
 Amount of ERCs traded to Purchaser/Recipient: 26 tpy of VOCs  
 Date of ERCs Transfer: 10/13/2010  
 ERCs available for future use: 26.00 Tpy

## PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Dominion Transmission, Inc for Virginia Electric and Power Company  
 Address of Purchaser: 5000 Dominion Boulevard, Glen Allen, VA 23060  
 Location of using Source: NA  
 Amount of ERCs traded to Purchaser/Recipient: 500 tpy of NOx  
 Date of ERCs Transfer: 10/19/2010  
 ERCs available for future use: 500 Tpy

## ERC HOLDER/GENERATING FACILITY INFORMATION

Purchaser/Holder Recipient: Robert O Lampl  
 ERC Generating Facility Name: Kosmos Cement Company, Cemex Inc.  
 Address of Recipient: 960 Penn Avenue, Suite, Pittsburgh, PA 15222  
 Certified ERCs (tpy): 442.00 tpy of SOx and 61 .00 tpy of PM10  
 Amount of ERCs traded to Purchaser/Recipient: Nil  
 Date of ERCs Transfer: 10/18/2010  
 ERCs available for future use: 442.00 tpy of SOx and 61 .00 tpy of PM10  
 Expiration Date: 04/24/2011

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of October 2010 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Chris Dobson	P. O. Box 153 Centre Hall, PA 16828	Testing
Daniel Festa Festra Radon Technologies	47 A Progress Avenue Cranberry, PA 16066	Mitigation
Kevin Fischer, P. E.	P. O. Box 586 Yardley, PA 19067	Testing
John Gogal Keystone Inspection Service	P. O. Box 204 Sciota, PA 18354	Testing
Kenneth Ladlee	814 Monroe Street Suite 203 Stroudsburg, PA 18360	Mitigation
Edward "Darby" Lasorda	526 Ferncastle Drive Downingtown, PA 19335	Testing
Michael O'Connell	6286 Withers Court Harrisburg, PA 17111	Testing
Randolph Payne	5333 Spring Velly Drive Pittsburgh, PA 15236	Testing
Roger Priest	P. O. Box 200 1362 Skippack Road Salfordville, PA 18958	Mitigation
Timothy Raufer VBInspection.com, Inc.	210 Church Place Pittsburgh, PA 15216	Testing
Joseph Schwab	521 N. Ramunno Drive Middletown, DE 19709	Testing
Marc Shanley	55 Country Acres Drive Kunkletown, PA 18058	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Urenovitch	75 S. Hunter Highway Drums, PA 18222	Testing
Diana Vaccarello	P. O. Box 373 Murrysville, PA 15668	Testing
The Virtus Group	4359 Linglestown Road Harrisburg, PA 17112	Testing

### Notice of Public Hearing

**Water Quality Industrial Stormwater Application—  
PA0244562 Chapter 105/Water Obstruction and  
Encroachment—E23-488 NPDES/Stormwater  
Construction—PAIO1231001 Air Quality Plan  
Approval Application—23-0115**

**Eastern Metal Recycling Terminal LLC Eddystone  
Borough, Delaware County**

The Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing on the above applications concerning the proposed Eastern Metal Recycling facility, 1500 East 2nd St., Eddystone. This public hearing will be held on Tuesday, Dec. 14, 2010 at 7 p.m. in Union Hall, 1000 E. 4th St., Eddystone.

Copies of the above applications as well as the draft air quality plan approval are available for public review at Ridley Township Public Library, 100 E. MacDade Blvd. in Folsom. Individuals wishing to review the complete public file on these applications at DEP's Southeast Regional Office should call 484-250-5910 to schedule an appointment. These applications are for a National Pollution Discharge Elimination System (NPDES) permit for stormwater discharge associated with construction activities; an individual NPDES permit for discharging stormwater from industrial activities; a water obstruction and encroachment permit to build stormwater outfalls along the Delaware River; and an air quality plan approval for the construction and installation of an automobile/metal shredding facility.

Interested parties will be given the opportunity to present comments during the hearing within the time provided or submit written comments during a 30-day post-hearing public comment period. Individuals who would like to present testimony at the hearing should contact DEP Community Relations Coordinator Lynda Rebarchak at 484-250-5820 by Dec. 7, 2010 to reserve a time slot. Oral testimony may be limited based on the number of registered parties.

Individuals may also submit written comments to DEP Assistant Regional Director John J. Kennedy at DEP's Southeast Regional Office, 2 E. Main Street, Norristown, PA 19401. Written comments must be received by Jan. 13, 2011. After that time, DEP will prepare a summary of the relevant written and oral testimony, as well as the department's responses to these comments. Copies of this summary will be provided to all who submitted comments and to others as requested.

Individuals in need of accommodations as provided for in the Americans with Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at 484-250-5820 or through the Pennsylvania AT & T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP can meet your needs.

### Section 401 Water Quality Certification

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

*California District Mining Office: Environmental Group Manager, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, Telephone 724-769-1100.*

**Permit No. 30080701 and NPDES Permit No. PA0235806, Consol Pennsylvania Coal Company LLC**, 1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15243. Request for Section 401 Water Quality Certification for construction of a coal refuse slurry impoundment at the Bailey Mine Central Complex Coal Refuse Disposal Area No. 5 in Richhill Township, **Greene County**. Coal Refuse Disposal Support Acres proposed 39.8, Coal Refuse Disposal Acres Proposed 375.0. No additional discharges are proposed. This permit application was accepted for review 08/04/09. The Section 401 Water Quality Certification request was received 10/29/10. Persons wishing to comment on or object to this request for Section 401 Water Quality Certification must submit comments or objections to the District Mining Office identified above within 30 days of the date of this public notice. Comments should contain the name, address and telephone number of the person commenting, the identification of the permit application to which the comments pertain, and a concise statement of the comments, objections or suggestions including relevant facts upon which they are based. The application describing the details of the proposed installation is available for review, by appointment, at the District Mining Office identified above.

[Pa.B. Doc. No. 10-2148. Filed for public inspection November 12, 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.

#### *Rescission of Technical Guidance*

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The purposes of this document was to: (1) meet the requirements of Section 1419 of the 1996 Amendment to the Federal Safe Drinking Water Act; (2) help ensure Pennsylvania's continued eligibility to receive federal funding to support the operator certification program; (3) identify and implement specific sections of the amended Water and Wastewater Systems Operator's Certification Act in such a manner to provide a smooth program transition as a result of these amendments, until promulgation of final rules and regulations by the Environmental Quality Board. These guidelines have now been replaced by Chapter 302 Regulation, Administration of the Water and Wastewater Systems Operators' Certification Program, which was published as final at 40 Pa.B. 5454 (September 25, 2010). Contact: Questions regarding the policy document should be directed to Veronica Kasi by e-mail at [vbkasi@state.pa.us](mailto:vbkasi@state.pa.us) or by telephone at (717) 772-4053.

Effective Date: November 13, 2010.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2149. Filed for public inspection November 12, 2010, 9:00 a.m.]

### **License Termination Request**

Chevron Mining, Inc. (Chevron) has submitted a request dated October 18, 2010, to the Department of Environmental Protection (Department) for termination of Radioactive Material License No. PA-1055S in accordance with 25 Pa. Code § 215.1(e) (relating to purpose and scope). The license encompasses radioactive slag material left behind from past operations at the facility formerly operated by Molycorp, Inc. The site, now owned by Chevron, is located in Washington, PA, approximately 35 miles southwest of Pittsburgh. It is a 73-acre site, of which 20 acres was actively used for manufacturing operations. From 1964 to 1970, Molycorp, Inc. produced a ferrocolumbium alloy from ore, and some waste slag from the process contained thorium and/or uranium. The slag was used throughout the site as fill material for low-lying areas and as a base for some building construction. Decommissioning of the site began in 2002 with the removal of the 21 remaining buildings. Remediation of the soils began in March 2006 and was complete by June 2009. Chevron has submitted Final Status Survey Reports (FSSR) for review by the Department. If approved, the license will be terminated. This request comes follow-

ing an extensive 8-year cleanup of the facilities and surrounding grounds and disposal of significant volumes of low-level radioactive waste at licensed out-of-State facilities.

The FSSR and associated documents are available for public review and comment. The Department will accept written comments on Chevron's request until December 14, 2010. Comments should be submitted by mail to Director, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469 or [RA-EPDecommissioning@state.pa.us](mailto:RA-EPDecommissioning@state.pa.us). Following the public comment period, the Department will make a final determination regarding Chevron's request. Notice of the Department's final determination will be published in a future edition of the *Pennsylvania Bulletin*.

For additional information concerning the Chevron site, cleanup activities or Chevron's request, individuals may contact the Bureau of Radiation Protection at (717) 787-2480 or [RA-EPDecommissioning@state.pa.us](mailto:RA-EPDecommissioning@state.pa.us). Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department directly at (717) 787-2480 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. 10-2150. Filed for public inspection November 12, 2010, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting**

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 1, 2010, from 9 a.m. to 12 p.m.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

The meeting (conference call) will be held at the Department of Health, Bureau of Health Promotion and Risk Reduction, Conference Room 1000, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120. Individuals wishing to attend this meeting or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka at (717) 787-5251, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

MICHAEL K. HUFF, RN,  
*Secretary*

[Pa.B. Doc. No. 10-2151. Filed for public inspection November 12, 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>
Capital Manufacturing, d/b/a Capital Sign Company, Inc. and Piero J. Cappelli, Ind.	P. O. Box 788 Route 309 and Broad Streets Lansdale, PA 19446	10/29/10
EIN number: 23-1630536	and  2315 Pine Grove Road Industry, PA 19446	

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-2152. Filed for public inspection November 12, 2010, 9:00 a.m.]

### Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, November 16, 2010, at 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disability Act contact is Gina Meckley, (717) 783-9276.

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-2153. Filed for public inspection November 12, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Cost of Photograph for Photo Driver's License or Photo Identification Card

The Department of Transportation, Bureau of Driver Licensing, under 67 Pa. Code § 73.5(d) (relating to fees) gives notice that, effective December 13, 2010, the cost of the photograph associated with the issuance of a photo driver's license or photo identification card will be \$8.50. This will result in a \$1.50 increase to the cost of a driver's license/identification card.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 10-2154. Filed for public inspection November 12, 2010, 9:00 a.m.]

## GOVERNOR'S OFFICE OF HEALTH CARE REFORM

### Commonwealth Health Care Reform Implementa- tion Advisory Committee Meeting

The Commonwealth Health Care Reform Implementation Advisory Committee, established by Executive Order 2010-02, will hold a public meeting on Wednesday, November 17, 2010, from 2 p.m. to 4 p.m., in the Labor and Industry Building, Conference Room 100 (corner of 7th and Forster Streets), Harrisburg, PA.

Subcommittee meetings will be held prior to the Advisory Council meeting as follows: Enrollment/Access Subcommittee—9:30 a.m. to 11 a.m.; Other Critical Reforms Subcommittee—11 a.m. to 12:30 p.m.; Exchange Subcommittee—12:30 p.m. to 2 p.m.

This meeting is subject to cancellation without notice.

ANN S. TORREGROSSA, Esq.,  
*Director*

[Pa.B. Doc. No. 10-2155. Filed for public inspection November 12, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AF&L Insurance Company; Rate Increase Filing for Long-Term Care Form LTC-4

AF&L Insurance Company is requesting an average increase of 26.7% on the following form: LTC-4.

This increase will impact 243 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 10-2156. Filed for public inspection November 12, 2010, 9:00 a.m.]

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### AF&L Insurance Company; Rate Increase Filing for Long-Term Care Form LTC-5

AF&L Insurance Company is requesting an average increase of 26.7% on the following form: LTC-5.

This increase will impact 464 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 10-2157. Filed for public inspection November 12, 2010, 9:00 a.m.]

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### AF&L Insurance Company; Rate Increase Filing for Long-Term Care Form LTC-7

AF&L Insurance Company is requesting an average increase of 26.7% on the following form: LTC-7.

This increase will impact 215 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 10-2158. Filed for public inspection November 12, 2010, 9:00 a.m.]

### Bankers Life and Casualty Company; Rate Increase Filing for Several Long-Term Care Policies

Bankers Life and Casualty Company is requesting an average increase of 25% on the following forms: GR-7A1-PA.

This increase will impact 818 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 10-2159. Filed for public inspection November 12, 2010, 9:00 a.m.]

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### Bankers Life and Casualty Company; Rate Increase Filing for Several Long-Term Care Policies

Bankers Life and Casualty Company is requesting an average increase of 25% on the following forms: GR-N050 and GR-N055.

This increase will impact 767 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 10-2160. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bankers Life and Casualty Company; Rate Increase Filing for Several Long-Term Care Policies**

Bankers Life and Casualty Company is requesting an average increase of 25% on the following forms: GR-N100 and GR-N105.

This increase will impact 349 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto: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. 10-2161. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bankers Life and Casualty Company; Rate Increase Filing for Several Long-Term Care Policies**

Bankers Life and Casualty Company is requesting an average increase of 25% on the following forms: GR-N160 and GR-N165.

This increase will impact 202 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto: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. 10-2162. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bankers Life and Casualty Company; Rate Increase Filing for Several Long-Term Care Policies**

Bankers Life and Casualty Company is requesting an average increase of 25% on the following forms: GR-N240, GR-N250, GR-N270 and GR-N280.

This increase will impact 484 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto: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. 10-2163. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Capital Blue Cross and Capital Advantage Insurance Company; Individual Guaranteed Issue Comprehensive Major Medical Preferred Provider Program; Rate Filing**

By filing No. 10-SSSS, Capital Blue Cross and Capital Advantage Insurance Company request approval of rates for their Individual Guaranteed Issue Major Medical Preferred Provider Organization Benefit Program. The requested average rate increase is 8.67% (7.36% to 9.98% depending on age, gender, contract type and deductible) and applies to the Plans' 21-county Central Pennsylvania and Lehigh Valley service area. The proposed rate increase would affect approximately 26 contracts and would produce additional income of about \$15,650 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to January 27, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://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](mailto: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. 10-2164. Filed for public inspection November 12, 2010, 9:00 a.m.]

### **Erie Insurance Exchange; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On October 21, 2010, the Insurance Department (Department) received from Erie Insurance Exchange a rate and rule filing for its new Rate Protection Endorsement.

This endorsement is available only on Erie Insurance Exchange policies which provide coverage for at least one private passenger type vehicle with a model year of at least 1990. If the Rate Protection Endorsement is added to the policy, the policy's premium will be modified and the modified premium will only change if one or more of the following changes occur:

1. Change to the location where an insured vehicle is principally garaged.
2. Addition, deletion or replacement of an auto.
3. Addition or deletion of a licensed driver in the household.
4. Addition or deletion of coverage.
5. Changes to a limit, deductible, tort selection, multi-policy status, accident prevention course status or payment plan.

If none of the previously listed changes occur, the modified annual policy premium will remain the same. An effective date of February 1, 2011, is requested.

Unless formal administrative action is taken prior to December 20, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@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. 10-2165. Filed for public inspection November 12, 2010, 9:00 a.m.]

### **Lincoln Benefit Life Company; Rate Increase Filing for Several Long-Term Care Policies**

Lincoln Benefit is requesting an average increase of 25% on the following forms: LB-6301-P-PA(Q), LB-6301-P-PA(NQ), LB-6302-P-PA(Q), LB-6302-P-PA(NQ), LB-6303-P-PA(Q) and LB-6303-P-PA(NQ).

This increase will impact 896 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to January 27, 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](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto: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. 10-2166. Filed for public inspection November 12, 2010, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Adrian Ramon Sanchez, Jr.; file no. 10-188-93263; Progressive Specialty Insurance Company; Doc. No. P10-10-016; December 14, 2010, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2167. Filed for public inspection November 12, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier Coordination Tariff

**R-2010-2207938. West Penn Power Company, d/b/a Allegheny Power.** On November 1, 2010, West Penn Power Company, d/b/a Allegheny Power filed Supplement Number 6 to Tariff Electric Pa PUC Number 1S, Notice of Tariff Changes to Revise its Electric Generation Supplier Coordination Tariff to become effective January 1, 2011.

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 29, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* West Penn Power Company, d/b/a Allegheny Power

*Through and By Counsel:* John L. Munsch, Attorney, 800 Cabin Hill Drive, Greensburg, PA 15601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2168. Filed for public inspection November 12, 2010, 9:00 a.m.]

### Petition of PECO Energy Company

**M-2009-2123944. PECO Energy Company.** Petition of PECO Energy Company for approval of its Smart Meter Technology Procurement and Installation Plan and petition of PECO Energy Company for approval of its Initial Dynamic Pricing and Customer Acceptance Plan.

Formal protests, 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 29, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* PECO Energy Company

*Through and By Counsel:* Richard G. Webster, Jr., Director Rates and Regulatory Affairs, 2301 Market Street S15, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2169. Filed for public inspection November 12, 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 29, 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-2010-2204478. Donald George Flick** (341-A Carol Lynn Drive, Willow Street, Lancaster County, PA 17584), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

**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-2010-2208020. Original Moving and Storage, Inc.** (11401 Grandview Avenue, Suite 4, Silver Spring, MD 20902), a corporation of the State of Maryland—begin right to transport, by motor vehicle, household goods in use, between points in Pennsylvania.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods by transfer of rights as described under the application.**

**A-2010-2207760. Kennedy Transfer, Inc.** (63 Kennedy Lane, Dubois, Clearfield County, PA 15801), a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right, inter alia, to transport household goods in use, from the Borough of Ridgway, Elk County, and within 3 statute miles of the limits of said borough, to other points in Pennsylvania, and vice versa; *So As To Permit:* the transportation of household goods in use, from the Borough of Ridgway, Elk County, and within 40 statute miles of the limits of said borough, and from said territory to



points in Pennsylvania, and vice versa. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-2010-2207111. 2 Sisters Travel, Inc.** (1846 Homeville Road, West Mifflin, Allegheny County, PA 15122)—for the discontinuance of service and cancellation of its certificate to operate as a Broker, to arrange for the transportation of persons between points in Pennsylvania.

**A-2010-2207572. Russel L. Reynolds, t/a R. L. Reynolds Amish Hauling** (958 Penn Street, Apt. B, Milton, Northumberland County, PA 17847), for the discontinuance of service and cancellation of his Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00123661, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Township of Turbot, Northumberland County, and within an airline radius of 50 statute miles of the limits thereof, to points in Pennsylvania, and return.

**A-2010-2207944. Glass City Limousine, Inc., t/a 2 Brothers Limo** (1004 Logan Avenue, Ford City, Armstrong County, PA 16226), a corporation of the Commonwealth, for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, at A-6410586, authorizing the transportation of persons, in limousine service, from points in the Counties of Armstrong, Washington, Westmoreland, Indiana, Butler, Clarion and Allegheny, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2010-2207831. Sindy A. Condon** (411 Williams Road, Fitchburg, MA 01420), for the discontinuance of service and cancellation of her Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00122604, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster and that portion of Chester County west of Route 10, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. J. C. Stilwells Son, Inc.;  
Doc. No. C-2010-2183273, A-00108330*

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 J. C. Stilwell's Son, Inc., Respondent, maintains its principal place of business at its last known address of 1408B Calcon Hook Road, Sharon Hill, PA 19079.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 9, 1989, at No. A-00108330, for household goods in use, including property, authority.

3. That, on June 17, 2010, information was received by the Bureau of Transportation and Safety Motor Carrier Services and Enforcement Division of the Commission that Respondent's household goods in use tariff was cancelled by Tristate Household Goods Tariff Conference, Inc. on May 28, 2010; therefore, Respondent could no longer use said tariff.

4. That, on June 29, 2010, Respondent was sent a letter by first class mail advising that, in accordance with 52 Pa. Code § 23.11(a) before Respondent could furnish or offer to furnish any service, it had to file a tariff showing the rates or other compensation demanded for such service. The letter was returned to the Commission by the U.S. Postal Service with a label containing the address of P. O. Box 741, Drexel Hill, PA 19028-7742.

5. That, on July 19, 2010, the same letter was sent to Respondent by first class mail to the Drexel Hill address furnished by the U. S. Postal Service. The letter was returned to the commission by the U. S. Postal Service with a label stating that the letter was "not deliverable as addressed; unable to forward."

6. That, on September 1, 2010, a request was forwarded to the Bureau of Transportation and Safety Motor Carrier Services and Enforcement Division's Philadelphia District Office for hand delivery of the letter. A correct business address of Respondent was also requested.

7. That, on September 27, 2010, Enforcement Officer Anthony Bianco, a duly authorized officer of this Commission, travelled to Respondent's address in Sharon Hill. E. O. Bianco was informed by surrounding business owners that Respondent had been out of business for over a year. E. O. Bianco also attempted to contact Respondent by telephone and was advised by an operator that the number was "out of service."

8. That Respondent abandoned or discontinued service without having first filed an application with this Commission.

9. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v).

*Wherefore*, the Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff hereby requests that the Commission revoke J. C. Stilwell's Son, Inc.'s Certificate of Public Convenience at A-00108330 for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and believe and that I expect that

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 \_\_\_\_\_  
 Michael E. Hoffman, Director  
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. 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, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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.

E. 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.

*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Economy Moving & Storage,  
 Inc.; Doc. No. C-2010-2183270, A-00111774*

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 Economy Moving & Storage, Inc., Respondent, maintains its principal place of business at its last known address of 1408 Calcon Hook Road, Unit B, Sharon Hill, PA 19079.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 22, 1995, at No. A-00111774, for household goods in use authority.

3. That, on June 17, 2010, information was received by the Bureau of Transportation and Safety Motor Carrier Services and Enforcement Division of the Commission that Respondent's household goods in use tariff was cancelled by Tristate Household Goods Tariff Conference, Inc. on May 28, 2010; therefore, Respondent could no longer use said tariff.

4. That, on June 29, 2010, Respondent was sent a letter by first class mail advising that, in accordance with 52 Pa. Code § 23.11(a) before Respondent could furnish or offer to furnish any service, it had to file a tariff showing the rates or other compensation demanded for such service. The letter was returned to the Commission by the U. S. Postal Service with a label containing the address of P. O. Box 741, Drexel Hill, PA 19028-7742.

5. That, on July 12, 2010, the same letter was sent to Respondent by first class mail to the Drexel Hill address furnished by the U. S. Postal Service. The letter was returned to the commission by the U. S. Postal Service with a label stating that the letter was "not deliverable as addressed; unable to forward."

6. That, on September 1, 2010, a request was forwarded to the Bureau of Transportation and Safety Motor Carrier Services and Enforcement Division's Philadelphia District Office for hand delivery of the letter. A correct business address of Respondent was also requested.

7. That, on September 27, 2010, Enforcement Officer Anthony Bianco, a duly authorized officer of this Commission, travelled to Respondent's address in Sharon Hill. E. O. Bianco was informed by surrounding business owners that Respondent had been out of business for over a year. E. O. Bianco also attempted to contact Respondent by telephone and was advised by an operator that the number was "out of service."

8. That Respondent abandoned or discontinued service without having first filed an application with this Commission.

9. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v).

Wherefore, the Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff hereby requests that the Commission revoke Economy Moving & Storage, Inc.'s Certificate of Public Convenience at A-00111774 for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and believe and that I expect that

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 \_\_\_\_\_  
 Michael E. Hoffman, Director  
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. 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, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. 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.

E. 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. 10-2170. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Transfer of Stock**

**A-2010-2207971. Village Water Company, Inc. and the Lycoming County Water and Sewer Authority.** Application of Village Water Company, Inc. (Company) and the Lycoming County Water and Sewer Authority (Authority) for all approvals needed under the Public Utility Code to transfer all stock of the Company to the Authority, and to abandon and transfer to the Authority

the Company's service obligations to customers in Fairfield Township, Lycoming County.

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 23, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Village Water Company, Inc.

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Janet L. Miller, Esquire, Hawke McKeon & Sniscak, LLP, P. O. Box 1778, Harrisburg, PA 17105-1778

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 10-2171. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Wastewater Service**

**A-2010-2207949. Little Washington Wastewater Company.** Application of Little Washington Wastewater Company for approval to begin to offer, render, furnish and provide wastewater service to the public in an additional portion of Hazle Township, Luzerne County.

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 29, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 10-2172. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Water Service**

**A-2010-2207951. Aqua Pennsylvania.** Application of Aqua Pennsylvania for approval to begin to offer, render, furnish and provide water service to the public in an additional portion of Hazle Township, Luzerne County.

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 29, 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](http://www.puc.state.pa.us), and at the Applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2173. Filed for public inspection November 12, 2010, 9:00 a.m.]

### Water Service

**A-2010-2207722. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to offer, render, furnish or supply water service to the public in an additional portion of Whitmarsh Township, Montgomery County.

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 29, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2174. Filed for public inspection November 12, 2010, 9:00 a.m.]

### Water Service

**A-2010-2207097. Wilcox Water Company.** Application of Wilcox Water Company for approval of the abandonment or discontinuance of its Certificate of Public Convenience as a provider of public water service.

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 29, 2010. The documents filed in support of the applicant are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Wilcox Water Company

*Through and By Counsel:* Karl E. Gecl, Esquire, 35 North Broad Street, Ridgeway, PA 15853

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2175. Filed for public inspection November 12, 2010, 9:00 a.m.]

## PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

### Public Meeting

The Pennsylvania Stimulus Oversight Commission will be holding its bi-monthly meeting on November 18, 2010, at 11 a.m. in Philadelphia, 8th and Market Streets, 6th Floor, Betsy Ross Room.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 10-2176. Filed for public inspection November 12, 2010, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

**Petition of Executive Transportation Company, Inc., t/d/b/a Luxury Sedan Service; Doc. No. 10-09-37**

**Notice of Evidentiary Hearings and Applicable Procedures Regarding Various Petitions for Relief Following the Commonwealth Court's Decision in Germantown Cab Company v. Philadelphia Parking Authority**

On April 28, 2010, the Commonwealth Court concluded that the taxicab regulations of the Philadelphia Parking Authority (PPA) are void and unenforceable as to one of the entities the Authority regulates (Germantown Cab Co). In relation to that decision, it directed that Germantown's fees and costs associated solely with the invalidated regulations be placed in escrow pending Supreme Court review. See *Germantown Cab Co. v. Phila. Parking Auth.*, 993 A.2d 933, 943 (Pa. Commw. Ct. 2010). See also *Order Vacating Automatic Supersedeas*, No. 1252 C.D. (July 2, 2010) (Germantown Decisions).

Recently, the Authority received petitions from the following companies: Executive Transport Company t/d/b/a Luxury Sedan Service; Arink, Inc.; Raink, Inc.; Bennett Cab Company, t/d/b/a Rosemont Cab Company; McQ's Enterprises, Inc., t/d/b/a Yellow Cab Company; Bucks County Service, Inc., Germantown Cab Company, Quaker City Cab, Inc.; Dee Dee Cab Company, t/d/b/a Penn Del Cab, Sawink, Inc., MCT Transportation, and Concord Limo.

The relief sought by these petitioners includes: (1) a refund of all fees (including all of the annual per vehicle assessments, all vehicle assessments, all vehicle inspection fees, and all driver certification fees), all fines imposed as a consequence of enforcement of the Authority's regulations, all assessments, and towing and storage

charges assessed since June 2005; (2) a stay of further enforcement of the Authority's regulations including regulations pertaining to radio dispatch companies; (3) an order directing enforcement of the regulations of the Pennsylvania Public Utility Commission; and (4) a request for certification of a class action.

The Authority will address each of these petitions in individual proceedings to be presided over by Hearing Officer Alfred Marroletti, however this Notice establishes some common rules, procedures and parameters which will govern all of these proceedings. Procedural rules contained in 1 Pa. Code Chapter 35 will govern these proceedings. Pleadings and other documents shall be filed with the Taxicab and Limousine Division's (TLD) Court Administrator. The TLD will be provided the opportunity to participate in each of these proceedings as prosecutorial staff. In the event TLD decides to participate in one or more proceeding, it shall submit a notice of intervention in each proceeding within 5 days of the date of issuance of this Notice. Further, the answer period established by 1 Pa. Code § 35.35 shall be extended and TLD and any other intervening party shall submit an answer to the petition within 20 days from the date of publication of this Notice in the *Pennsylvania Bulletin*. Subsequent to the expiration of this answer period, a joint prehearing conference will be held by the Hearing Officer at which the procedures established by this Notice may be discussed and clarified by the Hearing Officer. At the prehearing conference, the Hearing Officer will also establish a hearing schedule to govern each individual proceeding. Following the prehearing conference, each individual petition proceeding will be administered separately. In each proceeding, factual issues will be presented through either oral or written testimony and will be subject to cross examination if there is more than one party in the proceeding. Legal argument will be presented through oral argument and/or briefs.

The Authority requests that the Parties develop a robust record. Of particular importance, each party should address whether the Commonwealth Court's Germantown Decisions have legal application to the proceedings. Each party should also address whether the Authority's Fee Schedule for Fiscal Year 2011 or any previous Fee Schedules relevant to the relief requested are effective and binding on the Authority and the parties. If the view is advanced that the Fee Schedule(s) is binding, each party should address how the Fee Schedule(s) should be applied to the petitioner and the precise amount of any fees, fines and assessments that would result from the party's analysis. Furthermore, the parties should also address whether the invoice billing the annual per vehicle assessments or other relevant invoices are appealable adjudications. In addition, the parties should address whether any claims for refunds or other relief pertaining to any fees, fines, costs or assessments resulting from Authority adjudications which were not appealed by the party are waived. Finally, if a party seeks refund of a fine for a violation of Authority regulations, the party should address whether the prosecuted activity for each affected fine is violative of either Pennsylvania Public Utility Commission regulations or the Authority's enabling statute.

This list of issues is not meant to be exhaustive and the parties are expected to present any and all evidence that they believe supports their claims. Furthermore, the hearing office is authorized to supplement this list as may

be necessary. The resolution of this proceeding will be based on the evidentiary record developed in this process and the statutes governing the PPA including 53 Pa.C.S. §§ 5501—5517, and 53 Pa.C.S. §§ 5701—5745.

In addressing these fundamental legal issues, there will be no need for the parties to address the Authority's regulations. In consideration of the Commonwealth Court's Germantown Decisions, the Authority will not consider the content or application of its regulations in resolving these and other related issues.

As the procedural regulations in 1 Pa. Code do not permit certification of a class action and the Rules of Civil Procedure do not apply to proceedings before the Authority, the request for certification of a class action shall be denied. Participating parties must present testimony and evidence to support their individual claims and cannot rely on the testimony or evidence of other parties. Although this Notice is being issued within each individual petition proceeding, the Authority will also publish this Notice in the *Pennsylvania Bulletin* to assure that all industry members and other interested parties are aware of these proceedings and the manner in which they will be administered by the Authority.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-2177. Filed for public inspection November 12, 2010, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs vs. Geraldine M. Henes, RN; Doc. No. 0361-51-09

Geraldine M. Henes, RN, license no. RN239342L, of Wildwood, Allegheny County, had her license indefinitely suspended for a period of no less than 3 years, retroactive to February 23, 2009, that suspension to be immediately stayed in favor of no less than 3 years probation.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2178. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs  
vs. Terri Lynne Howell, LPN; Doc. No. 1026-51-09**

Terri Lynne Howell, LPN, license no. PN272078, of Wilkes-Barre, Luzerne County, had her license indefinitely suspended for a period of no less than 3 years. The suspension may be stayed in favor of probation upon submission to the Bureau of Professional and Occupational Affairs, Professional Health Monitoring Program (PHMP), Disciplinary Monitoring Unit of all properly executed forms and releases required by the PHMP, and her enrollment in the urine testing program required by the PHMP.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2179. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs  
vs. Maren M. Letten, RN; Doc. No. 0366-51-2009**

Maren M. Letten, RN, license no. RN-550102, of Red Lion, York County, had her license actively and indefinitely suspended for 5 years, with the entire period of suspension stayed in favor of probation.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2180. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs  
vs. Melissa M. McGraw, RN; Doc. No. 0974-51-10**

On August 23, 2010, Melissa M. McGraw, RN, license no. RN347966L, of Carnegie, Allegheny County, and Pittsburgh, Allegheny County had her license actively and indefinitely suspended for failure to comply with the terms of probation.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2181. Filed for public inspection November 12, 2010, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs  
vs. Misty R. Pashkow, LPN; Doc. No. 1237-51-10**

Misty R. Pashkow, LPN, license no. PN-263067, of Bradford, McKean County, had her license indefinitely suspended, retroactive to August 2, 2010, due to an inability to practice with reasonable skill and safety to patients.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2182. Filed for public inspection November 12, 2010, 9:00 a.m.]

**STATE EMPLOYEES'  
RETIREMENT BOARD**

**Hearing Scheduled**

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State







